UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1990/19
6 July 1990

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session
6-31 August 1990
Item 7 of the provisional agenda

THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

Realization of Economic, Social and Cultural Rights

Progress report prepared by Mr. Danilo Türk, Special Rapporteur

CONTENTS

		Paragraphs	Page
Introduction			1
Chapter			
I.	SOCIAL AND ECONOMIC INDICATORS AND THEIR ROLE IN THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS	1 - 105	3
II.	FUTURE STANDARD-SETTING IN THE AREA OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS	106 - 138	38
	A. Right to adequate housing	108 - 120	38
	B. Land rights	121 - 138	42
III.	THE QUESTION OF EXTREME POVERTY	139 - 217	49
IV.	PRELIMINARY RECOMMENDATIONS	218 - 220	63

GE.90-12380/2206B

best copy available

Introduction

1. In its resolution 1989/20, the Sub-Commission on Prevention of Discrimination and Protection of Minorities welcomed the preliminary report entitled "Realization of Economic, Social and Cultural Rights" (E/CN.4/Sub.2/1989/19) and endorsed the preliminary conclusions of the Special Rapporteur in that preliminary report (para. 94).

2. The Special Rapporteur established contacts with the Committee on Economic, Social and Cultural Rights and discussed with the members of the Committee, during the Committee's fourth session, questions considered in the preliminary report.

3. The Commission on Human Rights, in its resolution 1990/16, welcomed the dialogue thus established between the Committee and the Special Rapporteur. Furthermore, the Commission welcomed the preliminary report on the realization of economic, social and cultural rights, invited the Special Rapporteur to take into account comments made by the Commission on Human Rights and requested that in the report priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged. By resolution 1990/24, the Commission expressed its appreciation of the preliminary report; invited the Sub-Commission to submit the second report of the Special Rapporteur to the Commission at its forty-seventh session; and invited Governments which so desire to provide the Special Rapporteur with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of economic, social and cultural rights.

4. The Special Rapporteur has proceeded with the preparation of the present progress report from the basis laid down in the preliminary report, taking into account comments made by the members of the Sub-Commission at its forty-first session, the comments made by the members of the Committee on Economic, Social and Cultural Rights, and by the Commission on Human Rights.

5. The work of the Special Rapporteur thus undertaken relates to all major areas identified in the preliminary report. The present progress report contains information concerning those areas in which the results achieved so far can be processed in this form and require comments by the members of the Sub-Commission and other interested United Nations organs. Thus the present progress report contains three chapters and preliminary recommendations regarding future work. Chapter one provides information on social and economic indicators and their role in the realization of economic, social and cultural rights; chapter two is devoted to further standard setting in the area of economic, social and cultural rights, and in chapter three the question of extreme poverty is discussed.

6. The Special Rapporteur also started analysis of other areas identified in the preliminary report. Thus a bibliography of main texts relating to the realization of economic, social and cultural rights in the context of structural adjustment was prepared and can be made available to the members of the Sub-Commission for consultation and comments. The Special Rapporteur initiated the necessary action to establish direct contacts with international financial institutions, notably the World Bank. The documents which were so

far made available to the Special Rapporteur suggest that there is a number of areas of work of the World Bank, including those relating to the questions of poverty, popular participation and the role of non-governmental organizations, where questions concerning the realization of economic, social and cultural rights arise and where further analysis and consultation with the World Bank appears to be useful. However, since direct contacts with the World Bank and with other institutions in this field had not been established until the preparation of the present progress report, the consideration of such questions will take place at a later stage and will be presented to the Sub-Commission at its next session. The same suggestion is made regarding questions of co-ordination of the United Nations bodies and agencies relevant to the realization of economic, social and cultural rights.

7. Given the complexity and diversity of questions to be considered in the framework of the study on the realization of economic, social and cultural rights, it seems necessary that a second progress report be prepared for consideration by the Sub-Commission. Recommendation to this effect is made among other recommendations in this progress report.

READEX FICHE

I. SOCIAL AND ECONOMIC INDICATORS AND THEIR ROLE IN THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

INTRODUCTION

1. In the preliminary report on the realization of economic, social and cultural rights the potential use of economic and social indicators for assessing progress in the realization of these rights was mentioned (E/CN.4/Sub.2/1989/19, para. 92 (b)). In the opinion of the Special Rapporteur these indicators can and should have a role to play in a variety of human rights organs.

2. An exhaustive analysis of the use of indicators throughout the United Nations system, especially at this stage of analysis, is neither possible nor necessarily desirable. The extremely broad issue of indicators has received extensive coverage elsewhere, although this has generally been in fields other than human rights. Many indicators currently collected, analysed and eventually utilized are clearly of limited relevance to the topic at hand. As such, a selective human rights specific approach will be applied in discussing the pertinence of indicators to the aims of this Study. The use of indicators by the specialized agencies, such as the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO) the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO), as well as within additional agencies which have thus far had largely peripheral relationships with any of the human rights organs, will be explored.

3. It needs to be stated from the outset that the issue of indicators is so extensive, complex and intricate that any analysis of their potential use in the realization of economic, social and cultural rights cannot be fully carried out in this progress report. Further consideration of the various issues involved will be required.

I. What are indicators?

4. The word indicator refers to statistical data which attempts to provide or "indicate" (usually based on some form of numerical quantification) the prevailing circumstances at a given place at a given point in time. Indicators provide one possible means of inquiry, but although significant progress has been made over the past several decades concerning all aspects of indicators, this method of measurement remains in many ways imperfect. The United Nations Research Institute on Social Development (UNRISD) has made the following useful point: "The term 'indicator' reflects the necessary modesty that must attach to statistics intended to measure one or other aspect of development: indicators are not necessarily direct and full measures of what they are intended to indicate but often indirect or incomplete measures (e.g. measures of causes, instrumentalities or inputs; of effects or outputs; of particular manifestations, phases or parts of the whole). This is perhaps especially true of social development indicators. An indicator is not just a statistical series but a statistical series plus a set of assumptions; it requires careful examination and testing before use." 1/

5. Along the same lines, WHO has stated that "[a]s the name suggests, indicators are an indication of a given situation, or a reflection of that situation". 2/ Within the WHO guidelines for health programme evaluation, indicators are defined as "variables which help to measure changes".

6. These two points reveal the general purposes and shortcomings of indicators. Essentially they can be utilized to measure both a certain situation and changes concerning this situation over time, albeit with some weaknesses which will need to be rectified if indicators are to be incorporated more thoroughly into the realm of human rights.

II. Some background issues

7. The use of indicators within the field of economic, social and cultural rights can, if applied in a precise and systematic manner, contribute to the realization of these rights in a variety of ways. Indeed, without the availability of a measurement device based on some form of statistical data, there is little chance of obtaining an overall picture which shows the extent which these rights are realized. Indicators can provide one means of assessing progress over time towards the "progressive realization" of these norms. Additionally, indicators can help to reveal some of the difficulties associated with fulfilling these rights. They can assist in the development of the "core contents" of some of the less developed rights in this domain, and can provide a basis from which a "minimum threshold approach" can be developed. 3/ Indicators can reveal information about the extent to which certain rights are enjoyed or not enjoyed within the gambit of States, information which might not generally be available if other forms of measuring progress were employed. Similarly, they can provide yardsticks whereby countries can compare their own progress with that of other countries, especially countries at the same level of socio-economic development.

8. Perhaps even more important than describing in general outline the benefits of using indicators, it is crucial to address some of the problematic areas concerning their use. The use of social and economic indicators in assessing performance relevant to economic, social and cultural rights is far from constituting a perfect means of monitoring compliance with these legal obligations at present. Some of the more central imperfections concern:

(a) The lack of available and/or reliable statistics;

(b) The "same" indicator for use in an analysis of a cross-section of States may have been collected in totally different ways, based upon widely diverging value assumptions;

(c) Incomplete or out-dated information sources, such as national censuses;

(d) The utilization of inappropriate indicators, such as the use of hospital beds per capita in measuring levels of health;

(e) Apparent contradictions between certain indicators, such as annual population growth and infant mortality rates;

(f) The frequent and almost standard use of estimates where precise figures are unavailable;

(g) The non-universal nature of some important indicators;

(h) The use of improper or inconsistent criteria and methodologies in the selection of indicators;

(i) The limitation of cross-temporal comparability of indicators, both between and within States;

(j) The use of indicators of a percentage type which can create difficulties in terms of how to measure growth or change of such indicators;

(k) Indicators are often indirect or incomplete measures of what they are intended to indicate;

(l) Indicators do not always reflect the human condition in a meaningful way and may be an easy way to avoid attacking the actual root causes of poverty and related concerns;

(m) The necessity of relying upon nationally collected indicators which, if such statistics are utilized in a human rights framework of assessment, may result in biased figures.

9. These imperfections are central issues in any analysis of their use in the assessment of human rights. For instance, because economic, social and cultural rights are rights of the individual, the general scope of many indicators may preclude their direct application, other than for obtaining a general overview of a particular situation.

10. Several of these issues demand greater elaboration. For instance, the question of whether to rely upon and utilize national, regional or locally specific indicators or those of international relevance remains controversial. The United Nations Statistical Commission has frequently reiterated the importance of a non-directive approach to indicators, focusing on possibilities and alternatives to suit particular circumstances rather than a single fixed set of universally valid indicators. 4/ In the mid-1950s a United Nations Committee of Experts on the International Definition and Measurement of Standards and Levels of Living found that the development of "a single unified index of the level of living was neither possible nor desirable, for purposes of international comparison under present circumstances". 5/ Since then it has been generally argued that an overall index of any kind will tend to conceal more than it reveals. 6/ This seems to indicate a need quite consistent with human rights perspectives, that of having a cross-section of indicators available for use. All types of indicators possess validity to one extent or another, but their worth will be contingent upon the situation, right or place under examination.

11. The vast majority of indicators are collected by national Governments. They are subsequently utilized both domestically and by various international agencies. In broad terms, the agencies are crucial in terms of providing assistance as to what types of issues to include in indicator related activities, providing guidelines for indicator selection and so forth. Where they can, the agencies attempt to fill existing gaps, often through the use of estimates. Of the many gaps currently found, perhaps the greatest concerns the lack of regionally (within a State) or locally specific indicators. Most

indicators cover the entire area of the State in question, often without disaggregated statistics about certain regions or localities where conditions may differ to a significant degree from national norms.

12. Related to these issues, the Committee on Economic, Social and Cultural Rights noted at their fourth session (E/C.12/1990/CRP.1/Add.10, p. 5) that "although Governments are duty-bound to submit reports, the Committee cannot accept their national indicators as a general criterion for international assessment". The Committee also emphasized that "an essential factor in assessment is to discover whether States monitor the realization of the rights set out in the Covenant within their frontiers, for most of them do not" (E/C.12/1990/CRP.1/Add.10, p. 5). With the exception of most developed countries and eastern European States, most countries do not produce indicator publications on a regular basis (E/CN.3/1989/11, p. 9).

13. The above statements by the Committee point to the necessity of developing two central approaches to the use of indicators. On the one hand, the Committee and other pertinent bodies will need to emphasize the utilization of those indicators which are to a substantial degree universally compatible or possessing some form of comparability in terms of the legal duties of States assumed under the Covenant and other instruments containing economic, social and cultural rights. Although the issue of relativity between countries must be kept in mind, approaching this issue from the angle of either a "core content" of certain rights or a "minimum threshold approach" (to be explored below) can assist, at least partially, in alleviating these and other technical problems. On the other hand, it is evident that the domestic collection of indicators relevant to the norms of the Covenant is emerging as a basis upon which compliance with the obligations therein can be discerned.

14. The criteria used in the selection of indicators are also extremely important. The overall utility of a particular indicator will depend largely on its intended use. While numerous uses of indicators can be envisioned, it is obvious that not all indicators are relevant to the realization of economic, social and cultural rights or to the broader issue of development. Should human rights organs wish to use indicators in a meaningful way, they will need to consider a variety of issues prior to doing so. Criteria will need to be developed concerning a wide measure of important points. As a reference, UNRISD has considered the following seven criteria for indicator selection in its own work:

(a) Availability of data: whether a sufficient number of countries, developing as well as developed, have data on the indicator or data from which the indicator can be constructed;

(b) Comparability: whether the indicator is operationally defined in the same way and used to count to measure the same things in different countries;

(c) Quality of data: whether the data are collected by adequate means, are consistent with each other, complete and otherwise reliable;

(d) Validity of indicator: whether the indicator measures what it is intended to measure. This involves both statistical validity and conceptual

validity. (Thus an indicator such as the relative number of hospital beds in a country may be a statistically valid measure of hospital facilities but its use as a measure of the national health level may not be valid);

(e) Discriminative power: whether the indicator effectively distinguishes between countries at different levels of development, particularly between developing countries at different levels, and is meaningfully related to (correlated with) other indicators of development within and without the sector in question;

(f) Balance and avoidance of duplication: whether the indicator contributes to sectoral balance or to imbalance or duplication in the set of indicators;

(g) Conceptual significance: whether the indicator, if valid, indicates a conceptually significant aspect or element of development rather than an accidental or unimportant aspect. 7/

15. WHO has also developed certain criteria for indicator selection, stating that "ideal indicators should be:

(a) Valid - that is, they should actually measure what they are supposed to measure;

(b) Objective - the answer should be the same if measured by different people in similar circumstances;

(c) Sensitive - that is, they should be sensitive to the changes in the situation; and

(d) Specific - that is, they should reflect changes only in the situation concerned".

16. It has also been stated that "in real life there are very few indicators that comply with all these criteria. Their scientific respectability therefore has to be tempered with a certain humility ... . They are indirect or partial measures of a complex situation, but if measured sequentially over time they can indicate direction and speed of change and serve to compare different areas or groups of people at the same moment in time." 2/

17. The Handbook on Social Indicators issued by the Statistical Office of the Department of International Economic and Social Affairs suggests the following five-step process concerning the development of social indicators which may be useful within the human rights domain as well. These steps are:

(a) Establishing the subject-matter framework;

(b) Establishing the statistical framework;

(c) Preliminary selection and definition of indicators;

(d) Compilation of statistics for indicators;

(e) Final selection and calculation of indicators. 8/

18. Human rights organs wishing to incorporate the use of indicators will find it imperative to develop their own criteria for the selection of indicators or may, if appropriate, wish to utilize existing structures such as those just noted. These organs, however, will need to resist the obvious desire to set up ideal lists of variables for which international data would be desirable but in good part are unobtainable, as well as the incorporation of such variables into complex and comprehensive theoretical models that have little or no chance of application. 9/ Such bodies may also wish to consult agencies which have extensive experience in the use and collection of indicators to determine which indicators may be appropriate and realistically obtainable for their specific purposes and aims. Many United Nations agencies already co-operate with one another along these lines.

19. Although a variety of criteria can be considered as valid, several are particularly important if indicators are to be drawn into the field of human rights. Perhaps the most important criterion concerns the availability and reliability of data. Although this issue is crucial in all fields, within the legal realm it takes on special significance. If we take the example of censuses from which a great amount of statistical information is derived, we find that most censuses (if indeed they are carried out) are undertaken in 10-year cycles. According to the World Bank's Social Indicators of Development (1989), 40 countries of the 153 considered had not carried out a census for 10 or more years. 10/ Frequently the data collected in censuses is so extensive that five more years are required before this information actually becomes useful to anyone other than specialized statisticians. Moreover, regularly collected, detailed and disaggregated data for indicator use, whether by the means of a census, household surveys or otherwise, represents an expensive task. When States encounter financial or other difficulties in this realm, international agencies can play a useful role by providing various forms of technical assistance.

20. While certain dilemmas may arise for some States in terms of collecting data, Economic and Social Council resolution 1985/8 of 28 May 1985:

> "1. Recommends that States Members of the United Nations should undertake to carry out population and housing censuses during period 1985-1994, taking into account international and regional recommendations relating to population and housing censuses and giving particular attention to the timely publication of census results so that the censuses meet national data requirements".

21. In a collaborative effort, the United Nations Statistical Commission, the Economic Commission for Europe (ECE) Conference of European Statisticians and the ECE's Committee on Housing, Building and Planning have suggested the following points concerning population and housing censuses within the ECE region, which although they are recommendations specific to Europe, may possess some universal validity. They provide: "In any country the list of topics to be covered [in a census] has to be considered in relation to other sources of data ... but in general the topics covered should be determined upon a balanced consideration of:

(a) The needs of the country, national as well as local, to be served by the census data;

(b) The achievement of the maximum degree of international comparability, both within regions and on a world-wide basis;

(c) The probable willingness and ability of respondents to give adequate information on the topics;

(d) The technical competence of the enumerators to obtain information on the topics by direct observation; and

(e) The total national resources available for enumeration, processing tabulation and publication, which will determine the overall feasible scope of the census. 11/

22. It should be noted that point (c) above will need addressing, particularly in the context of human rights. Movements have emerged in several countries arguing that the information collected in national censuses contravenes the right to privacy. Should the provision of personal information be considered a social responsibility or does - or can - this information threaten an individual's privacy?

23. In extremely general terms, reliable data is available for many of the more basic indicators, such as those relating to demography, GNP per capita, infant mortality, life expectancy at birth, child literacy rates, primary school enrolment and others. 12/ Yet for some indicators which are closely linked to the realization of economic, social and cultural rights, data availability remains a dilemma. According to the United Nations Children's Fund (UNICEF) several areas where indicator coverage has yet to become comprehensive are: percentage share of household income disaggregated into the lowest 40 per cent and the highest 20 per cent; percentage of children under five suffering from mild, moderate or severe malnutrition; percentage of population below absolute poverty level, disaggregated into a rural and urban basis; adult literacy rates, mortality and fertility rates; percentage of central government expenditure allocated to health/education/defence and others. 12/

24. Another issue which must be considered is the fact that indicators tend to be essentially quantitative in nature. Indicators are usually derived from several chief sources, including: (a) population, housing and agricultural censuses; (b) household sample surveys; (c) civil registration and other registers; (d) administrative data; (e) non-governmental administrative data. 13/ In more issue-specific terms, WHO suggests the following sources for obtaining data concerning health: (a) vital events registers; (b) population and housing censuses; (c) routine health service records; (d) epidemiological surveillance data; (e) sample surveys; (f) disease registers; (g) other sources of data (including data from sectors other than health). 14/

25. As these typical sources of indicators reveal, qualitative distinctions are only rarely emphasized and often cannot be significantly derived from existing methods of collection and assumptions surrounding social and economic indicators. Yet the qualitative elements of economic, social and cultural rights are as crucial as those measuring quantitative aspects. The importance of developing a balanced approach, utilizing both quantitative and qualitative forms of measurement, was recently recognized at the Global Consultation on the Realization of the Right to Development as a Human Right. Regarding the

right to work, the Consultation indicated the imperative of examining issues such as the quality of work, worker control and subjective elements of satisfaction and empowerment (E/CN.4/1990/9 (part III), pp. 7 and 8). Applying traditional quantitative indicators to qualitative issues such as these may require new approaches within the human rights domain, approaches which human rights bodies and experts may be in a good position to develop.

26. Indicators used towards the realization of economic, social and cultural rights must, in addition to providing measurements for overall development and other criteria, also be disaggregated for a variety of groups in society. Societal means or averages are not extremely helpful measurements within a human rights context. Without relatively detailed statistics for various population sectors and sub-sectors, the utility of applying, for instance, legal tests of the non-discrimination clauses of the Covenant and international human rights law in general will remain limited.

27. The disaggregation of indicators is currently undertaken by an array of agencies. The Statistical Office of the United Nations has focused mainly on women (beginning with the World Conference of the International Women's Year in 1975), disabled persons (beginning with the International Year for Disabled Persons in 1982), youth (in connection with the International Youth Year in 1985) and children (E/CN.3/1989/11, p. 17). Disaggregated indicators are currently being developed with regard to the elderly (in connection with the World Assembly on Aging in 1982 and the International Plan of Action on Aging) and on families, and new programmes are being considered in these fields. 15/ The United Nations Centre for Human Settlements (HABITAT) (UNCHS) has been giving increasing priority to the development of concepts for statistical indicators of the homeless population, in addition to the need for considerable disaggregation below the national level in order to realistically identify the poorer and most disadvantaged groups, households and individuals (E/CN.3/1989/11, pp. 9 and 10).

28. While many indicators are currently collected in a disaggregated way, there is a clear need for the disaggregation process to be further developed to include groups currently outside of existing patterns of measurement, as well as improving existing methods of disaggregation. This is especially true if indicators will be used within the human rights domain. Some areas, among others, where work is either progressing or needs to be instigated include: women, the informal economic and housing sector, the impoverished, ethnic minorities, non-nationals residing in a State and the unemployed.

29. Another central issue which must be addressed is the choice of which indicators to prioritize, which to use as supplements and which to ignore. Related to this, users of indicators must be aware of precisely how and with which assumptions certain indicators are collected, tabulated and derived. Questions could be asked, such as: should human rights organs rely upon traditional indicators like GNP per capita or hospital beds per capita, for example, as a measurement of progress in the domain of economic, social and cultural rights? How extensive a list of indicators will be required for a reasonably complete picture concerning these rights to emerge? How can such a list be made as short as possible in the interests of pragmatism, yet without compromising a systematic point of view? Whatever choices are eventually made, there remains the crucial problem of measuring not just the level of development or compliance with human rights obligations achieved but also the rate of progress towards this end over time. 16/

30. In the context of human rights and as a general principle, the greater the degree of disaggregation and precision of the indicators concerned, the greater the direct relevance of the indicators in question. At another level, it seems reasonable to state that the use of the sorts of general aggregated indicators currently available will decline, the more precise are the legal obligations of a State to fulfil a specific right. The general usefulness of social and economic indicators is arguably greater for those rights which have yet to achieve levels of legalistic precision. The application of standards by ILO provides substantial evidence of this hypothesis. Of course these issues are ones which will only require deep analysis after the existing and often vaguely defined economic, social and cultural rights take on the scope, content and degree of enforceability currently reserved for most civil and political rights.

III. Indicators within the United Nations system

31. All United Nations agencies concerned with aspects of social development deal with indicators to some extent. While this is true, the type and scope of the specific indicators employed varies substantially from one agency to another. Some are directly relevant to economic, social and cultural rights, while others are either largely peripheral or of no direct relevance whatever. In order to suggest which approaches and indicators might be most useful in the realization of economic, social and cultural rights, what follows is an illustrative overview of the general use of relevant indicators by various agencies and organs of the United Nations.

32. ILO deals with indicators in a multitude of ways. Their most substantial effort in this field is the annual Yearbook of Labour Statistics. The nine chapters of the Yearbook cover the following general categories of concern:

(a) Total and economically active population;

(b) Employment;

(c) Unemployment;

(d) Hours of work;

(e) Wages;

(f) Labour cost;

(g) Consumer prices;

(h) Occupational injuries; and

(i) Strikes and lock-outs. 17/

33. Wherever possible, the data used covers the last 10 years prior to publication. Each of the nine theme areas is disaggregated to varying degrees, many of which could be useful in measuring progress in the realm of economic, social and cultural rights. For instance, if we compare wages in a country with consumer price indices for food, fuel and light, clothing and

rent, it is possible that at least a partial picture would emerge yielding direct relevance to the right to an adequate standard of living as found in article 11 of the Covenant.

34. Another area where ILO employs indicators is within their World Employment Programme, especially in the context of "target setting" towards the satisfaction of basic needs. 18/ The Conditions of Work and Life Department, the Employment Department and the Social Security Department each use indicators in their work as well.

35. In contrast, ILO seems to be taking a different approach regarding the use of traditional and broadly defined indicators within their Standards and Applications Branch. This stems mainly from the fact that ILO instruments tend to be formulated in precise legal terminology and are based on comparatively specific legal obligations and entitlements. ILO generally adopts and monitors standards which are quantifiable. Thus, when ILO does use indicators in this context, the indicators used tend to be very specific. This would apply, for instance, to the work of the ILO Committee of Experts on the Application of Conventions and Recommendations. Apart from the questions provided to States concerning the desired format of reports which refer frequently to queries requiring the use of indicators, the Committee's 1989 Report states that in addition to the reports and replies from States Parties to various ILO conventions, "[t]he Committee has also taken into account other authoritative sources of information. These consist of the annual reports of labour inspection services, statistical yearbooks published in the States or by the ILO ... and other official publications such as manuals, studies and economic and social development plans". 19/

36. The most relevant use of indicators by WHO has been in the context of the Global Strategy for Health for All by the Year 2000. 20/ Member States of WHO unanimously agreed to monitor progress in the implementation of their national health strategies and to evaluate their effect in improving the health status of the people, using appropriate indicators to this end. In assisting this process, WHO has devised a list of 12 global indicators comprising four categories: health policy indicators, social and economic indicators, indicators in the provision of health care and indicators of health status. 21/ According to WHO, "Any selection of indicators for use at the global level implies the commitment of countries individually, as well as collectively in regional groupings, to at least use these indicators. The list, at the global level, has therefore to be kept very short." 22/ This may be a useful criterion for human rights bodies when developing indicators for their specific use as well.

37. The 12 specific indicators utilized in evaluating the Global Strategy are the number of countries in which:

(a) Health for all has received endorsement as policy at the highest official level;

(b) Mechanisms for involving people in the implementation of strategies have been formed or strengthened, and are actually functioning;

(c) At least 5 per cent of the gross national product is spent on health;

(d) A reasonable percentage of the national health expenditure is devoted to local health care;

(e) Resources are equitably distributed;

(f) There exist, in developing countries, well-defined strategies for health for all, accompanied by explicit resource allocations, and where needs for external resources are receiving sustained support from more affluent countries;

(g) Primary health care is available to the whole population;

(h) The nutritional status of children is adequate;

(i) The infant mortality rate for all identifiable subgroups is below 50 per 1,000 live births;

(j) Life expectancy at birth is over 60 years;

(k) The adult literacy rate for both men and women exceeds 70 per cent;

(l) The gross national product per capita exceeds $500. 23/

38. It must be kept in mind that while most of these indicators can have direct relevance to the right to health as recognized, inter alia, within article 12 of the Covenant, they are intended for use in obtaining a global overview, for regional analyses or for comparisons between countries at a similar level of socio-economic or health development. Clearly, in the context of human rights and in other areas, more detailed information would be required. WHO correctly states in this context that "national strategies intended to achieve greater social equity in health would require the disaggregation of carefully selected indicators according to geographical areas, ethnic groups and/or socio-economic categories." 24/

39. WHO feels that by utilizing these and other indicators, the monitoring and evaluation process can lead to wider consultation both within the health sector and within other sectors, and can assist decision-makers in identifying what key measures need to be taken to accelerate the implementation of their national strategies. Member States will thus be able to: (a) compare their health situation from one reporting period to the other; (b) measure progress in relation to their targets; (c) identify difficulties and obstacles encountered; and (d) use the resulting analysis to improve their health plans, reprogramming as necessary. 25/ Each of these four issues relates directly to the format within which States' reports are considered and monitored by the Committee on Economic, Social and Cultural Rights.

40. Other uses of indicators by WHO include, but are not limited to, the monitoring of water supply and sanitation services at all levels, particularly within the overall framework of the International Drinking Water Supply and Sanitation Decade, the annual publication of World Health Statistics and others (E/CN.3/1989/11, p. 10).

41. UNESCO has initiated a variety of activities at the international, regional and national levels on the application of socio-economic indicators to development planning and related issues. 26/ It has also made progress in developing the Framework for Cultural Statistics (E/CN.3/1989/11, p. 8). UNESCO's Statistical Yearbook contains more than 100 indicators relevant to the rights to education, scientific and technological development and culture. These are disaggregated into categories such as:

(a) Literacy rates;

(b) Percentage distribution of population by educational attainment and by sex;

(c) Estimated public expenditure on education;

(d) Educational structures and enrolment ratios;

(e) Education at the pre-primary, first, second and third levels;

(f) Scientific and technical manpower;

(g) Selected indicators of scientific and technological development;

(h) Culture and communication;

(i) Printed material;

(j) Book production;

(k) Newspapers and other periodicals;

(l) Cultural papers;

(m) Cultural heritage and many others.

UNESCO also utilizes a variety of statistical data in its reports to the Committee on Economic, Social and Cultural Rights. 27/

42. One of the central uses of indicators by FAO relates to their Programme of Action of the World Conference on Agrarian Reform and Rural Development (WCARRD). Although the development of socio-economic indicators by FAO was considerably curtailed in 1987 because of financial difficulties, activities are still taking place. Work has been undertaken to review and improve the guidelines on indicators for monitoring and evaluating agrarian reform and rural development through the harmonization of the contents with similar work of other United Nations agencies (E/CN.3/1989/11, pp. 5 and 6). On the basis of a list of indicators selected from these guidelines, a common framework was prepared for use by countries in preparing their reports to the FAO Conference at its twenty-fourth session, held in November 1987, on progress in the implementation of the Programme of Action of WCARRD and, in particular, on levels of rural poverty as measured by relevant socio-economic indicators (E/CN.3/1989/11, pp. 5 and 6). These and other reports may be of interest to human rights bodies dealing with the right to food, the rights of women, the

right to development and land rights. FAO also works with indicators in connection with the Inter-Agency Food and Nutrition Surveillance Programme (IFNS), a joint initiative with WHO and UNICEF.

43. In addition to the specialized agencies, a vast array of other United Nations agencies deal with indicators in a manner consistent with economic, social and cultural rights. Among these, UNRISD has probably carried out the most extensive analytical, theoretical and technical work on social and economic indicators. Its Measurement and Analysis of Socio-Economic Development: An Enquiry into International Indicators of Development and Quantitative Interrelations of Social and Economic Components of Development represents an important work in this field. 28/ In addition, the UNRISD Research Data Bank of Development Indicators offers a comprehensive source of information. 29/ One of its current interests concerns the improvement of social and development indicators involving a critical assessment of the available data in selected countries and an exploration of low-cost methods of collecting social statistics. 30/ UNRISD's work on indicators has not been solely international. For instance, it has carried out a variety of programmes dealing with local questions, such as the project entitled "Measurement and Analysis of Progress at the Local Level". 31/

44. UNICEF's The State of the World's Children deals with indicators extensively. The 1989 version of this publication contains eight detailed tables concerning: (a) basic indicators; (b) nutrition; (c) health; (d) education; (e) demographic indicators; (f) economic indicators; (g) women; (h) basic indicators for less populous countries. 32/ Each of these is disaggregated nationally and into more specified categories. In addition to these useful indicators, the supplementary chapter of this report, entitled "Measuring Real Development", critically addresses the way in which indicators are used to measure progress towards development at present, and suggests several more appropriate and direct measures of measuring human progress. It proposes that national under-five mortality and illiteracy rates should be the principal indicators of progress for children. The average annual reduction rate for under-five mortality and illiteracy are proposed as the corresponding "speedometer" of the rate of progress achieved. Further, UNICEF discusses the disadvantages and limitations of per capita GNP and its growth rate as a true measurement of development, instead proposing that GNP per capita of the poorest 40 per cent of a country's population would clearly be a more meaningful figure. 33/ As recognized by UNICEF, unfortunately such a statistic does not exist for the majority of countries.

45. The 1990 edition of The State of the World's Children adds one additional indicator to the list mentioned above, that of the "rate of progress". The indicators used in this potentially useful table include the under-five mortality rate (including average annual rate of reduction (per cent)), the GNP per capita and the total fertility rate (including annual rate of reduction (per cent)). The under-five mortality rate and the total fertility rate figures are provided for 1960, 1980 and 1988, whereas GNP per capita figures are given for 1965-1980 and 1980-1987. Interestingly, for the under-five mortality rate, UNICEF also includes the required rate for reduction for the years 1988-2000 necessary for stability to be reached. In explaining this new addition to the list of UNICEF indicators, UNICEF states that "if development in the 1990s is to assume a more human face, then there arises a corresponding need for a means of measuring human as well as economic progress. From UNICEF's point of view, in particular, there is a need for an

agreed method of measuring the level of child well-being and its rate of change". Clearly, and especially in terms of the "progressive realization" of economic, social and cultural rights as required under the Covenant, methods such as this of measuring rates of progress can be very beneficial as a means of assessment for human rights organs of the United Nations.

46. UNCHS, along with the Statistical Office of the United Nations, convened a meeting in late 1987 on the development of human settlement indicators. The meeting noted a variety of problems with indicators in this field. These included the need for more data disaggregated below the national and urban/rural levels and for more data disaggregated by income level and by gender. High priority was accorded to the development of indicators for the homeless population and those residing in inadequate shelter conditions (E/CN.3/1989/11, p. 10). Moreover, UNCHS recently adopted a set of indicators for monitoring and evaluating the implementation of the Global Strategy for Shelter to the Year 2000 at their twelfth session, held in 1989. 34/ The most relevant indicators which could be put to use by human rights bodies are those relating to the performance of national strategies to implement the Global Strategy. These include building and infrastructure output, equitable distribution of the total shelter and services output, community participation and environmental conditions. Governments are expected to monitor their performance in the implementation of national shelter strategies based on these and other indicators. 35/

47. The World Bank, through its World Development Report and Social Indicators of Development 1989, provides extensive coverage of indicators. The 1989 World Development Report offers 32 separate tables of indicators each of which contain data for most member countries of the Bank. There is a clear preference in this publication for economically-oriented indicators, with significantly less emphasis placed on directly applicable social measurements. Indicators are arranged into six broad categories:

(a) Production: growth of production; structure of production; agriculture and food; commercial energy; structure of manufacturing; manufacturing earnings and output.

(b) Domestic absorption: growth of consumption and investment; structure of demand; structure of consumption.

(c) Fiscal and monetary accounts: central Government expenditure; central Government current revenue; money and interest rates.

(d) Trade and balance of payments: growth of merchandise trade; structure of merchandise imports; structure of merchandise exports; OECD imports of manufactured goods; origin and composition; balance of payments and revenues.

(e) External finance: official development assistance (ODA) from the Organization for Economic Co-operation and Development (OECD) and members of the Organization of Petroleum Exporting Countries (OPEC); receipts; total external debt; flow of public and private external capital; total external public and private debt and debt service ratios; external public debt and debt service ratios; terms of external public borrowing.

(f) Human resources: population growth and projections; demography and fertility; health and nutrition; education; income distribution and the International Comparison Programme (ICP) estimates of GNP; urbanization; women in development. 36/

48. In addition to these figures, the report also contains a section on basic indicators, selected indicators for non-reporting non-member economies and basic indicators for economies with populations of less than one million. Compared to other indicator sources, those utilized by the World Bank are generally less pertinent to the field of economic, social and cultural rights. This is not to say that these indicators are wholly irrelevant, for several can be very useful in considering the more generalized developments within a State, those both directly and indirectly linked to the enjoyment of human rights. Economic indicators, although far too over-emphasized as a measurement of development in the past, still have a central function to play. For instance, in the context of the Covenant, much can be derived about a State's maximum available resources and the measures taken to progressively fulfil them if indicators concerning central government expenditure and revenue, balance of payments, development assistance and external debt are considered in such analyses. The World Development Report will be particularly interesting in 1990 when its focus theme will be poverty.

49. The World Bank's Social Indicators of Development provides "a range of data for assessing human welfare in more than 170 countries over the past quarter century". 37/ This recently expanded annual publication "in an attempt to forge closer links between interacting economic and social factors" provides country-by-country social indicator surveys arranged into the following categories of concern:

(a) Human resources: size, growth and structure of the population, determinants of population growth, labour force and educational attainment of labour force;

(b) Natural resources: area and access to safe water;

(c) Income and poverty: income and poverty;

(d) Expenditure: food, housing, fuel and power and transport and communication;

(e) Investment in human capital: medical care and education. 38/

50. Each of these categories is disaggregated to various degrees and cover three periods of time: 25-30 years ago, 15-20 years ago and the most recent estimate. In the publication's own words, "the country pages held identify for each country social issues and problems accompanying development, as well as the extent to which policy may affect social conditions ... The role of the Government in this process, and the share of output (GNP) dedicated to social expenditures, is also identified". 39/ These State-by-State analyses may thus be useful to human rights bodies using indicators.

51. Other relevant projects being carried out by the World Bank include its Social Dimension of Adjustments project in Africa and its Living Standards Measurements Surveys.

52. Although it relies extensively on indicators at present, the United Nations Development Programme (UNDP) is planning to streamline its efforts by publishing a "human development" report from 1990 onwards. In very relevant terms, the Administrator of UNDP has stated that "We constantly hear about the state of the world's economy. But we must also know how human society is progressing. What is the status of its education, health, nutrition, shelter and environment? Has there been a reduction or an increase in poverty? What is the status of women and children? What development strategies are succeeding in advancing the human cause?" 40/ The Programme believes this report will initiate a variety of activities, including working with countries to include "human balance sheets" in their national development plans and to invest further in developing social and human indicators. UNDP has also called for the convening of a world conference on the state of the human condition.

53. UNDP produces indicators across a wide spectrum dealing, inter alia, with, the following areas: under-five infant mortality; total population; child population; births; infant and child deaths; life expectancy; crude death and birth rates; fertility; and urban population. Similarly, the United Nations Population Fund (UNFPA) produces statistical data relating to contraceptive prevalence.

54. The Centre for Social Development and Humanitarian Affairs has focused, inter alia, on the development of specialized and disaggregated indicators for certain social groups, especially women. Their 1989 World Survey on the Role of Women in Development treats the issue of indicators relevant to women in great detail.

55. The African Charter for Popular Participation in Development and Transformation which evolved out of the International Conference on Popular Participation in the Recovery and Development Process in Africa and was organized under the auspices of the United Nations Inter-Agency Task Force on the Follow-up on the Implementation of the UN-PAAERD at the Regional Level (UN-IATF) suggests the imperative of monitoring popular participation. This Charter states the following:

> "We proclaim the urgent necessity to involve the people in monitoring popular participation in Africa on the basis of agreed indicators and we propose the use of the following indicators, which are not necessarily exhaustive, for measuring the progress in the implementation of the recommendations of the Charter:
>
> 1. The literacy rate, which is an index of the capacity for mass participation in public debate, decision-making and general development processes;
>
> 2. Freedom of association, especially political association, the presence of democratic institutions, such as political parties, trade unions, people's grass-root organizations and professional associations, and the guarantee of constitutional rights;
>
> 3. Representation of the people and their organizations in national bodies;

4. The rule of law and social and economic justice, including equitable distribution of income and the creation of full employment opportunities;

5. Protection of the ecological, human and legal environment;

6. Press and media freedom to facilitate public debate on major issues;

7. Number and scope of grass-roots organizations with effective participation in development activities, producers and consumers co-operatives and community projects;

8. Extent of implementation of the Abuja Declaration on Women (1989) in each country;

9. Political accountability of leadership at all levels, measured by the use of checks and balances; and

10. Decentralization of decision-making processes and institutions."

56. A multitude of additional agencies and organizations within the United Nations system use or publish indicators, including, but not limited to: the Economic and Social Commission for Asia and the Pacific (ESCAP) which produces the Statistical Yearbook for Asia and the Pacific; the International Monetary Fund (IMF), which issues the Government Finance Statistics Yearbook; the Department of International Economic and Social Affairs, which publishes, inter alia, the Report on the World Social Situation and the extremely valuable Handbook on Social Indicators; the United Nations Conference on Trade and Development (UNCTAD), which periodically updates its basic social and economic indicators on the least developed countries in connection with the monitoring of the Substantial New Programme of Action for the Least Developed Countries; ECE, which deals extensively with indicators, for instance in their Recommendations for the 1990 Censuses of Population and Housing in the ECE Region; the Council for Mutual Economic Assistance (CMEA), which has published the System of Basic Indicators for Social Statistics and the System of Basic Indicators for Social Statistics: Methods of Calculation; OECD, which has published the OECD List of Social Indicators and Living Conditions in OECD Countries: A Compendium of Social Indicators, and routinely collects indicators relating to ODA through the Development Assistance Committee (DAC).

IV. Indicators and human rights monitoring bodies

57. The use of indicators for the assessment of progress in the fulfilment of economic, social and cultural rights by human rights bodies is a developing process and one which has a long way to go. The potential of the Committee on Economic, Social and Cultural Rights in utilizing indicators to monitor the legal obligations of States is clearly the largest of that of all the active treaty bodies.

58. The Committee has begun exploring the issue of indicators in various ways. This was most clearly evident at its fourth session, where one expert (on his own initiative) prepared a list of 20 indicators relevant to the various articles of the Covenant on each of the States which appeared before

the Committee. These were aggregated into six parts, namely: (a) population, (b) gross domestic product, (c) employment, (d) health, (e) housing and (f) education and covered a 20-year scale of comparability. While this independent effort was generally appreciated by the Committee, it was also felt that this body should rely upon indicators developed by a variety of United Nations agencies whose work had direct pertinence to this body, that those provided were not disaggregated to a sufficient degree and that insufficient analysis and discussion had been carried out to date on the precise role that indicators could play within the Committee.

59. When using indicators during the monitoring process, the Committee has had access to a variety of sources. Clear preference has thus far been given to indicators used by UNICEF in their report, The State of the World's Children (1989), although several other sources of indicators were available for consultation.

60. The guidelines for States reports under article 17 of the Covenant are being revised by the Committee. The original guidelines, developed by the United Nations Secretariat, are now seen by the Committee as being both too vague and inconsistent with the numerous changes which have taken place since their adoption in 1976. 41/ A draft proposal for revised guidelines was submitted to the Committee at its fourth session for discussion. The 25-page draft contains far more detailed guidelines than those currently in use, and makes frequent reference to issues requiring the use of indicators, especially concerning the rights to food, housing and health.

61. In spite of these recent developments, a systematic, consistent and universally relevant methodology regarding the use of indicators has yet to emerge. Should a systematic methodology be developed, there are several areas where this practice would be particularly useful. These can be generally divided into the interpretation of the clauses contained in article 2 of the International Covenant on Economic, Social and Cultural Rights and in monitoring compliance with articles 6 to 15.

62. Article 2, paragraph 1, of the Covenant provides that:

> "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures".

63. Each of the four highlighted clauses of this article provide a means of directly incorporating indicators into the interpretative work remaining to be carried out by the Committee and others. Let us examine them individually.

"undertakes to take steps"

The Limburg Principles have interpreted this clause to mean that "All States parties have an obligation to begin immediately to take steps towards the full realization of the rights contained in the Covenant". 42/ It appears reasonable to conclude that in order to take steps, the desired end to be attained by taking such steps will require some reliance on indicators.

"to the maximum of its available resources"

In an analysis of this clause, it has been stated that "While the Covenant itself is, inevitably, devoid of specific allocational benchmarks, there is presumably a process requirement by which States might be requested to show that adequate consideration has been given to the possible resources available to satisfy each of the Covenants requirements, even if the effort was ultimately unsuccessful. If a State is unable to do so, then it fails to meet its obligations of conduct to ensure a principles policy-making process - one reflecting a sense of the importance of the relevant rights". 43/ While the indicators currently available are certainly fallible, a variety can be employed to facilitate this task. It should be added that the Limburg Principles state:

> "25. States parties are obliged, regardless of the level of economic development, to ensure respect for minimum subsistance rights for all. ...
>
> 27. In determining whether adequate measures have been taken for the realization of the rights recognized in the Covenant, attention shall be paid to equitable and effective use of and access to the available resources.
>
> 28. In the use of the available resources due priority shall be given to the realization of rights recognized in the Covenant, mindful of the need to assure everyone the satisfaction of subsistence requirements as well as the provision of essential services."

Disaggregated and precise indicators can go a long way towards delineating the extent to which the principles inherent in article 2 are actually in place.

"to achieving progressively"

Indicators can also assist with respect to the term "progressively". Indeed, indicators probably provide the most effective means of measuring the progressive achievement of the rights found in the Covenant. As noted above, temporal comparability is a crucial criterion for determining the validity of utilizing a given indicator.

"by all appropriate means"

Generally speaking, indicators should surely be classified as one of the "appropriate means" by which the full realization of the rights found in the Covenant can take place. Indeed, the non-collection of statistical data concerning the extent to which the relevant rights are realized or unfulfilled would constitute an "inappropriate means" of implementing the Covenant.

64. In reference to articles 6 to 15 of the Covenant, indicators can be extremely helpful in monitoring levels of State compliance, while giving these rights greater degrees of legal substance and clarity. Certain elements of a possible methodology which could be developed towards these ends will be discussed below when we address core indicators in more detail.

65. Other human rights organs also have had experience in the field of indicators. For instance, as noted above, ILO's Committee of Experts, while utilizing indicators in their monitoring procedures, tries to limit their use as a general practice.

66. The Committee on the Elimination of Discrimination Against Women (CEDAW) has addressed the use of indicators and is in the process of developing a methodology in this respect. They have recently noted, for instance, "that statistical information is absolutely necessary in order to understand the real situation of women in each of the States parties to the Convention". 44/ As such, CEDAW has requested States Parties to make every effort to collect and provide appropriate disaggregated data and has asked the Secretariat "to prepare a summary of statistics and to provide other information drawn from United Nations sources relevant to the work of the Committee" for each reporting State Party. 45/

V. Inter-agency co-ordination and indicators

67. In fields other than human rights where indicators play a role, there exists a significant degree of inter-agency co-ordination. To give but one example, the development of indicators on nutritional status has been carried out as a joint initiative by the Administrative Committee on Co-ordination (ACC), the Sub-Committee on Nutrition (SCN) and its Advisory Group on Nutrition in connection with the Inter-Agency Food and Nutrition Surveillance Programme (IFNS) (E/CN.3/1989/11, p. 11). However, room for far greater co-operation is clearly evident if one considers the massive extent to which different agencies publish and utilize the same indicators. Enhanced co-ordination in the field of indicators between all agencies collecting, publishing and using them could lead to a more efficient global utilization of this form of measurement. It would also create an impetus for the emergence of more universally-oriented perspectives between agencies, and could assist in avoiding problems relating to the sheer volume of indicators which can be contemplated and utilized by human rights organs.

68. While the potential for inter-agency co-operation throughout the United Nations system relevant to the realization of economic, social and cultural rights is substantial, practice thus far has been discouraging. With the exception of ILO, the three central specialized agencies and other United Nations bodies have not consistently played an active part in the monitoring and assessment of economic, social and cultural rights. A central reason for this lack of consideration is the fact that the emphasis placed upon this category of rights by the United Nations is only a recent development. Moreover, many United Nations agencies and bodies which collect and use various indicators in their own work have yet to recognize the distinct and direct links of this activity with human rights concerns. Still others appear to consciously stray from matters concerning rights. As such, the potential assistance these organs could play in the field of economic, social and cultural rights has remained largely outside consideration. There is substantial room for increasing inter-agency co-operation in this field, and indeed without this, there is little likelihood that indicators can be utilized to the fullest extent possible.

69. It should be noted in this regard that the Global Consultation on the Realization of the Right to Development, in its Recommendations for Action Emerging from the Consultation (E/CN.4/1990/9 (part III), para. 62) states:

> "The design of appropriate indicators of progress should also be undertaken by the regional economic commissions, on the basis of national experience and in co-operation with the Commission on Social Development, the United Nations Research Institute for Social Development, the International Labour Organisation, other United Nations bodies, and specialized agencies with relevant expertise and national universities. This process should include the effective participation of representative organizations of disadvantaged and vulnerable peoples and groups, as well as workers' organizations and other organizations engaged directly in development programmes in the field." (E/CN.4/1990/9 (part III) p. 11).

70. Increased co-operation between human rights organs of the United Nations and other agencies will be beneficial to both sides. Filling in the existing gaps will require very few new resources and has limited financial implications. Human rights organs wishing to incorporate indicators into their work and mandate need not collect and tabulate these forms of measurement themselves. The majority of relevant indicators, when and if available, are already contained in one or more United Nations agency publications. The question, thus, is more one of choosing which publications and agencies to consult and, in turn, which indicators to use. At the same time, United Nations agencies not presently dealing with human rights may find it useful to incorporate these issues into their programmes.

VI. Do certain "core indicators" exist?

71. As was shown above, no agency uses indicators which are completely unique. A great deal of overlap occurs. Yet, nearly all agencies do identify certain "basic" or "core" indicators of measurement. In the interests of comparability it is interesting to observe those indicators defined as "basic" or "core" by three United Nations organs: UNRISD, UNICEF and the World Bank. The differences in perception concerning what is a core indicator and what is not reveals both the diversity of concerns involved and the imperative for human rights organs wishing to incorporate indicators into their legal framework, to approach these choices with a good deal of caution and foresight. The type of indicators chosen, the way in which they are collated, measured and the criteria of so doing will depend greatly upon the desired uses thereof.

72. In the Research Data Bank of Development Indicators developed by UNRISD, an initial list of 100 variables was eventually reduced (through a series of criteria tests for international comparability and so forth) to a list of 19 core indicators. Those seen as "core" indicators included:

(1) Infant mortality rate per 1,000 live births;

(2) Expectation of life at birth for both sexes;

(3) Apparent consumption of protein of animal origin, per capita, per day;

(4) Literacy rates as a total percentage of population aged 15 and over;

(5) Combined primary and secondary education enrolment as per cent of the population 5 to 19 years old;

(6) Water supply: per cent of population with reasonable access;

(7) Newspapers: circulation per 1,000 population;

(8) Telephones per 100,000 population;

(9) Television receivers per 1,000 population;

(10) Agricultural production per male agricultural worker;

(11) Adult male labour in agriculture as per cent of total male labour;

(12) Steel: apparent consumption per capita (in kilograms);

(13) Energy consumption: apparent per capita (in kilograms of coal equivalent);

(14) Manufacturing production per person active in manufacturing industries;

(15) Foreign trade per capita;

(16) GDP per capita at current prices;

(17) Investment per economically active person;

(18) Salaried and wage earners as per cent of total economically active population;

(19) Professional, technical and related workers as per cent of total economically active population. 46/

Clearly, not all of these indicators are relevant to the tasks at hand.

73. In addition to the use of specific disaggregated indicators concerning nutrition, health, education, demographic indicators, economic indicators and indicators concerning women, UNICEF also relies on a list of basic indicators. These include:

(1) Under-five mortality rate;

(2) Infant mortality rate (under 1);

(3) Total population;

(4) Annual number of births and infant and child deaths (0-4);

(5) GNP per capita;

(6) Life expectancy at birth;

(7) Per cent of literate adults (male and female);

(8) Per cent of age group enrolled in primary school (male and female);

(9) Per cent share of household income (lowest 40 per cent and highest 20 per cent). 47/

74. The World Bank has also developed its own structure of basic indicators. Those used are:

(1) Population;

(2) Total area;

(3) GNP;

(4) GNP per capita;

(5) Average annual rate of inflation;

(6) Life expectancy at birth.

75. On the basis of the current use of indicators by the World Bank, over 800 parliamentarians from five countries have recently signed a request to the President of the Bank urging that increased use be made of social indicators and arguing that "the conditions of the poor can best be measured by social indicators such as the mortality rate of children under five; life expectancy; access to safe water; the adult literacy rate, particularly among women; and the proportion of children suffering from malnutrition". 48/

76. It should be reiterated that WHO uses certain core indicators in the evaluation and monitoring of the Programme of Health for All by the Year 2000, as discussed above. 49/

77. These few examples reveal that what one agency considers as core indicators is not always viewed as such by other agencies. Obviously, the purpose and mandate of a particular organization will at least in part determine which indicators are seen as "core" and which are not. This same rule will inevitably apply to human rights organs wishing to incorporate indicators into their own work. Yet, before addressing these points further, it may be useful to look at some other related issues.

78. Any analysis of core indicators would not be complete without at least a mention of basic needs. The 1976 World Employment Conference of ILO defined basic needs as constituting two elements:

> "First, they include certain minimum requirements of a family for private consumption: adequate food, shelter and clothing, as well as certain household equipment and furniture. Second, they include essential services provided by and for the community at large, such as safe drinking water, sanitation, public transport and health, educational and cultural facilities". 50/

The themes of "target-setting" or the development of "benchmarks" towards the attainment of basic needs have also been considered at length by ILO, as well as being frequently reiterated by the Committee on Economic, Social and Cultural Rights in their monitoring procedures. ILO's Target Setting for Basic Needs usefully states:

> "Targets are objectives, describing minimum levels of basic needs satisfaction, which government programmes and policies will help to attain. Like any target these must be measurable and capable of evaluation and, given their role in an anti-poverty strategy, they must be amenable to the correct and desired forms of government intervention. However, it is a clear error to pick targets which have few qualities other than that they are both measurable and subject to government control." 51/

79. Another perspective which could usefully be drawn into this context is the idea of operationalizing an analytically meaningful minimum threshold for human rights realization by means of country-specific thresholds measured by indicators. 52/ The indicators suggested for use in this approach concern nutrition, infant mortality, disease frequency, life expectancy, income, unemployment and underemployment. Proponents of this approach feel that the right to adequate food is the nearest they can come to a minimal threshold that can be generalized across cultures and societies. 53/

80. The emphasis upon basic needs-oriented development caused many indicators which were once thought to be directly relevant to measuring development to be classified as inadequate for this purpose. Often, the inadequacy of an indicator may be due more to the way in which the data is collected, the lack of comparability over time and similar factors than to the non-usefulness of having adequate figures about a certain issue. It is therefore necessary to briefly consider several additional issues. For instance, what are we to do if an indicator defined as "core" by one agency is considered defective by another? Moreover, can some generally defective indicators none the less provide assistance as general measurements, rather than as core indicators? Which indicators have been defined as defective and why?

81. As an example, UNRISD has found the following indicators to be defective in terms of international usage and their purposes: crude death rate; primary school enrolment; percent of population in urban areas; percent of dwellings with piped water; income distribution; transportation; energy consumption; expenditure on food as a percent of total private consumption expenditure; and expenditure on national health or education as a percentage of the total national budget or of the GNP. 54/

82. The one indicator which has probably received the most extensive criticism is GNP per capita. Researchers have stated, for instance, that:

> "We agree that GNP per capita should not be used to measure social development but cannot imagine why anyone should want to do so. One might make a crude guess at approximate levels of social development factors from the GNP per capita but certainly not measure them". 55/

UNICEF has noted a variety of reasons why GNP per capita is of limited use as a development indicator, namely: (1) it does not adequately reflect such factors as the growing of food for family consumption, the unpaid labour of women, do-it-yourself building of homes or the local consumption of water or firewood; (2) this measurement suffers from serious distortions; since a large proportion of GNP does not enter into world trade, official exchange rates cannot reflect domestic purchasing power; and (3) the fact that it is an average figure often conceals more than it reveals about the condition of the

poor. 56/ As noted above, in its place UNICEF has suggested using the indicator measuring GNP per capita of the poorest 40 per cent of a country's population. Other suggested alternatives include switching to a measurement of an Adjusted National Product (ADP), a Green National Product (GrNP) and a Physical Quality of Life Index (PQLI). 57/ It should also be kept in mind that a large proportion of the outcome of the production process expressed in GNP does not represent any benefit to the quality of life and of the environment. Thus, there are strong grounds for placing this indicator more on the periphery of concerns, rather than at the centre where it now still stands.

83. PQLI is probably the most frequently used alternative indicator to GNP. PQLI is a composite social indicator, combining a State's average life expectancy at age one and its infant mortality rate on a scale of 0 to 100 by setting zero as the worst level recorded by any country in the year 1950 and 100 as the best level expected to be achieved by any country by the year 2000. Adult literacy is the third indicator used in PQLI. These three indicators are then averaged to give PQLI on a scale of 0 to 100 for each State. UNICEF states that the PQLI is useful in that it "is relatively resistant to the inequality factor, reasonably free of ethnocentricity, reflective of many of the elements which are close proxies for the desired goal, reasonably easy to calculate and communicate, and lends itself readily to inter-country comparison and analysis". PQLI, of course, has weaknesses as well. The most notable is that there is no particular reason for giving equal weight to the three indicators it combines. Still, it is clearly a more useful indicator, especially for human rights purposes, than GNP per capita and one which should be seriously considered for integration into United Nations human rights activities.

84. It has also been suggested that another indicator, the Lorenz Curve, could possibly constitute a better means of measuring income distribution in society than, for instance, GNP per capita. This curve has been described as "the most widely used technique to represent and analyse the size distribution of income and wealth. The curve plots the cumulative proportion of income units and the cumulative proportion of income received when income units are arranged in ascending order of their income". 58/ Because it reveals the deviation of each individual income from perfect equality, the Lorenz Curve at least partially captures the degree of inequality existent within a society. As such, the nearer the proximity of the curve to the equalitarian line, without crossing the original curve, the more equal the distribution of income will be. Yet, when two Lorenz Curves intersect, neither distribution can be said to be more equal than the other. While the Lorenz Curve maintains a number of elements which could be relevant to measuring the realization of economic, social and cultural rights, it has also been subject to various criticisms. 59/ For instance, the curve has recently been used to measure distribution of world GNP among countries for the years 1980 and 1987. The result of this usage showed that there has been an overall, though quite small, improvement in the global distribution of income. This is clearly inconsistent with other measurements which indicate the contrary. A recent UNCTAD report reveals that the economic and environmental positions of the 42 poorest States has dramatically worsened during the 1980s, with average GNP growth amounting to far less than one third of what was anticipated at the beginning of the decade. 60/ Thus, while the Lorenz Curve may be useful in

measuring income distribution within a purely domestic context, its utility for international comparisons in the realm of human rights may need to be given some extra thought.

85. The prospect of using universal indicators in the assessment of economic, social and cultural rights, as things currently stand, is subject to diverse limitations, many of which have already been discussed. Obviously applying precisely the same criteria of compliance for States at opposite ends of the development spectrum is impossible. The rights in question, while retaining their universal validity without question, will generally require different methods of assessment, obviously depending on diverse variables. This will, of course, require consistency with the norms of the Covenant and the general principles of international law. Yet, while some criteria will necessarily be relative, such as measures of GNP, a State's stage of development and the like, at least several indicators currently have universal significance, notwithstanding issues of relativity. One observer has suggested that:

> "Some full life indicators could appropriately generate universal standards. Universal literacy is achievable by all societies and so is access to basic primary health care, including mass immunization and the elimination of acute malnutrition. Such universal indicators might be the most useful to pursue initially". 61/

86. At this stage of the Special Rapporteur's mandate, it is felt to be too early to recommend precisely which indicators should be employed as general indicators and which as core indicators towards the realization of economic, social and cultural rights. Suggestions can be offered, however, as to which indicators (based on a methodology and a criterion consistent with human rights) could be pursued at this early stage of analysis.

VII. Possible core indicators for use towards the realization of economic, social and cultural rights

87. As a starting-point, it must be recalled that the field of social indicators is in a relatively constant state of flux; reorientations and new perceptions of the use, type, scope and validity of indicators is a constantly changing and thus dynamic process. What is offered here is therefore subject to further thought and discussion.

88. Several basic assumptions should be made in any methodological analysis aiming at developing possible core indicators. Firstly, it is crucial that indicators be viewed holistically as comprising an entire set of concerns. Although a perfect overall picture with a high degree of international comparability is impossible to obtain, at least an attempt should be made in that direction. This should not be interpreted as precluding the practical necessity that some relative indicators will need to be employed for countries at different stages of development or that precise, appropriate and sophisticated indicators should be prioritized over less "ideal" indicators. Secondly, any use of core indicators or development thereof must be consistent with both the obligations inherent in a certain right, and the entitlements involved. The availability of valid indicators can assist with the derivation of the "minimum core requirements" attached to a right but it cannot offer everything. In many ways, a focus upon the entitlements side of discourse surrounding economic, social and cultural rights may be more feasible and advantageous in the context of indicator usage. Thirdly, indicators, whether

core or otherwise, maintain many imperfect aspects. This must be neither forgotten nor over-emphasized. Fourthly, a great deal of careful selectivity must be employed in choosing core indicators. The various criteria discussed above will need to be incorporated into crucial choices. It has been stated elsewhere that:

> "consideration of information requirements and of the practical problems involved in determining and using indicators leads to the conclusion that selectivity must be the keynote. More will be gained by selecting a small number of relevant indicators for which a country can obtain the information within its resources than by aiming at comprehensiveness. Also it is better to accept some imperfections in the accuracy of the information than expend undue efforts on precision". 62/

Fifthly, indicator selection must be based on a regularized methodology upon which all choices are based. Sixthly, indicators for use in the human rights organs of the United Nations will require the greatest degree of disaggregation currently possible. Seventh and finally, the indicators chosen should provide: (a) overall national measurements with as substantial a regional or international comparability as possible; and (b) regional measurements within the country at the State, provincial, city, town, rural and local levels.

89. With these seven basic assumptions specified, the Special Rapporteur suggests that the first stage of indicator usage by human rights bodies be based on the following core indicators, chosen on the basis of: (a) the seven above assumptions; (b) general and current availability; (c) general comparability over time and between countries; (d) direct relevance to the norms of the International Covenant on Economic, Social and Cultural Rights, the Universal Declaration of Human Rights and other relevant legal texts; (e) reliance upon the indicator by several agencies; and (f) the direct relationship between the indicator and at least one United Nations Agency. The indicators are:

(1) Under-five mortality rate;

(2) Per capita GNP for the poorest 40 per cent of the population (including the existence of a "poverty line" and criteria for this line);

(3) The Physical Quality of Life Index (PQLI); 63/

(4) Overall literacy rate;

(5) Access to primary health care;

(6) Per cent of population (or number of persons) suffering from acute malnutrition;

(7) Per cent of population (or number of persons) inadequately housed; 64/

(8) Disaggregated indicators for each right by gender, race, colour, descent, national or ethnic origin, age, income level, etc.;

(9) GNP per capita (for comparative purposes).

90. Regarding suggested point 8 (disaggregated indicators) above, the importance of gender-based indicators cannot be over-emphasized. Although indicators relating to women still require development and improvement in many areas, great strides have been made since the World Conference of the International Women's Year in 1975. As such, their availability and utility are frequently greater than that of other sub-categories of disaggregation. Moreover, gender-specific indicators can prove extremely useful in assessing compliance with non-discrimination and equality of treatment clauses, as well as generally assist with the work of both the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on Economic, Social and Cultural Rights. These points are made all the more valid if we consider the incontestable fact that women tend, on the whole, to enjoy many economic, social and cultural rights to a far lesser degree than men, in all regions of the world. 65/

91. The Special Rapporteur would appreciate comments and suggestions concerning these nine possible core indicators from the Sub-Commission.

VIII. Indicators and violations of economic, social and cultural rights

92. One issue which deserves greater attention is the extent to which violations of economic, social and cultural rights may or may not be determined through the use of indicators. In general terms, the Limburg Principles note several general acts and omissions which could constitute violations of the Covenant, including:

> "70. A failure by a State Party to comply with an obligation contained in the Covenant is, under international law, a violation of the Covenant;
> ...
>
> "72. A State Party will be in violation of the Covenant, inter alia, if
>
> - it fails to take a step which it is required to take by the Covenant;
>
> - it wilfully fails to meet a generally accepted international minimum standard of achievement, which is within its powers to meet;
>
> - it deliberately retards or halts the progressive realization of a right, unless it is acting within a limitation permitted by the Covenant or it does so due to a lack of available resources or force majeure ..." 66/

93. Violations of the Covenant were discussed on several occasions during the fourth session of the Committee on Economic, Social and Cultural Rights; discussion with the Special Rapporteur also took place. While welcoming the idea of possibly linking indicators to violations of the Covenant, the Committee was generally at a loss as to how to go about this task. One member of the Committee stated that:

> "indicators are useful for those rights which can be implemented progressively, but how can we deal with violations in this context? We might wish to consider whether we can speak of violations should indicators reveal backwards trends in some area(s)."

94. Two broad and preliminary suggestions can be offered. Firstly, indicators can play a vital role in determining States' compliance with the non-discrimination clauses in article 2 (2). The extent to which this method of analysis could be useful will hinge upon several issues. Most importantly, disaggregated and reliable indicators must be available to the appropriate United Nations bodies in the field of human rights. Secondly, if indicators are eventually used in contexts other than non-discrimination, it must be recognized that this will be a long-term process. As one of the central purposes of indicators is to measure progress and change within and between States over time, some accepted period of time will need to have elapsed before indicators attain validity in the context of the determinability of violations. Indicators will require some form of temporal comparability to be of use in terms of any possible pronouncements of violations.

95. Of course, violations of economic, social and cultural rights cannot be viewed solely from the angle of indicators. It is exceedingly clear that a variety of both acts and omissions not directly related to indicators constitute violations of these legal guarantees. The experts of the Sub-Commission are invited to address both the general issue of violations and the relevance of indicators in determining acts and omissions of non-compliance with the Covenant.

IX. Preliminary conclusions

96. Indicators can play diverse and useful roles in the realization and asessment of economic, social and cultural rights. In their most useful form, indicators can:

(a) Provide a quantifiable measurement device of direct relevance to the array of economic, social and cultural rights;

(b) Provide a means of measuring the progressive realization of these rights over time;

(c) Provide a method for determining difficulties or problems encountered by States in fulfilling these rights;

(d) Assist with the development of the "core contents" of this category of rights;

(e) Assist in revealing the extent to which certain rights either are or are not enjoyed in practice;

(f) Assist in the provision of yardsticks whereby countries can compare their progress with other countries.

97. However, indicators are subject to many limitations and imperfections. The most important limitation, which is still to be fully resolved, is the lack of available and reliable indicators for a variety of central issues; this can lead to subsequent reliance on estimates or inappropriate indicators.

98. A variety of criteria needs to be applied to indicator usage within the human rights domain. Although various criteria have been employed by agencies using indicators, human rights bodies will need to develop human rights-specific criteria. The utility of indicators for human rights bodies

is, of course, different from that for other agencies and criteria for indicator selection will need to reflect these differences. Assistance can be provided by referring to existing criteria; however these do not necessarily act as the sole reference points.

99. All United Nations agencies dealing in any way with development issues utilize various social and economic indicators. However, as the above analysis has shown, there is a great deal of diversity between the types, intentions and uses of indicators employed by the various agencies. Added to this, a substantial amount of overlap and repetition of the same indicators occurs throughout the United Nations system. The goal of increasing the use of indicators within the human rights domain must, therefore, be approached from a comprehensive point of view, taking into account all uses of the indicators in question.

100. It is particularly in the realm of assessment that indicators can play a strengthening role for the various human rights monitoring bodies. They can assist in clarifying heretofore vague terminology that still characterizes much of the International Covenant on Economic, Social and Cultural Rights.

101. By focusing on indicators and the specific purposes they can serve in the human rights field, the human rights organs of the United Nations can pursue enhanced inter-agency co-ordination with the specialized agencies and other organs of the United Nations. This potential dialogue will almost certainly prove to be mutually beneficial to both sides. Clearly, links will need to be improved with all relevant agencies, especially those which have had little direct contact with the human rights bodies of the United Nations thus far.

102. Many agencies publish sets of core indicators. As we have seen, many core indicators viewed by one agency as such are not felt to be core indicators by other agencies. Added to this, many indicators seen as useful by some have been considered defective by others. These matters will require further exploration, especially in the context of indicator usage within the human rights field. Existing sets of core indicators can, however, assist human rights bodies in seeking the types and kinds of indicators which relate directly to the rights in question.

103. Providing core indicators for each of the rights of the Covenant is too complex and intricate a matter to be carried out at this stage. It has, however, been possible to suggest 10 general indicators which could be applied to initiate the integration of indicators more thoroughly into human rights activities.

104. Stringent criteria will need to be applied to any selection process of core indicators, particularly if the intention is to utilize them to give economic, social and cultural rights greater precision and elaboration. Several of the more central criteria which should be employed are:

(a) General and current availability;

(b) International comparability between countries and over time;

(c) Direct relevance to the norms comprising economic, social and cultural rights;

(d) Reliance on the indicator in question by at least two United Nations agencies;

(e) The necessity of selectivity in the choice of indicators;

(f) The existence of disaggregated indicators by various categories.

105. It also seems possible that indicators can assist (albeit in a limited manner) in determining violations of economic, social and cultural rights. This is especially true with regard to the non-discrimination clauses of the Covenant and the obligation to progressively realize these rights over time.

Notes

1/ P. McGranahan and Richard, Measurement and Analysis of Socio-Economic Development: an Enquiry into International Indicators of Development and Quantitative Interrelations of Social and Economic Components of Development, (Geneva, UNSRID, 1985), pp. 5 and 6.

2/ Development of Indicators for Monitoring Progress towards Health for All by the Year 2000 (1981), WHO, Geneva, p. 12.

3/ See, for instance, Andreassen, Skalnes, Smith and Stokke, "Human rights performance in developing countries: the case for a minimum threshold approach", in Andreassen and Eide, Human Rights in Developing Countries, Copenhagen, Akademisk Forlag, 1988, pp. 333-355.

4/ Department of International Economic and Social Affairs (Statistical Office Handbook on Social Indicators 1989), United Nations, New York, p. iv.

5/ See McGranahan and Richard, footnote 1 above, pp. 296-297.

6/ Ibid., p. 53.

7/ UNRISD Methodological Problems in Selection and Analysis of Socio-economic Development Indicators (Geneva, 1979), pp. 6-7.

8/ See footnote 4 above, p. 18.

9/ See McGranahan and Richard, footnote 1 above, p. 3.

10/ World Bank Social Indicators of Development (1989), published for the World Bank by the Johns Hopkins University Press, Baltimore and London, pp. 355-357.

11/ Recommendations for the 1990 Censuses of Population and Housing in the ECE Region: Regional Variant of the World recommendations for the 1990 Round of Population Censuses (Statistical Standards and Studies No. 40), United Nations Statistical Commission, Economic Commission for Europe (ECE), Conference of European Statisticians and the ECE Committee on Housing, Building and Planning (New York, 1987) p. 4.

12/ UNICEF The State of the World's Children (Oxford University Press, 1989), pp. 94-95.

13/ See Dept. of International Economic and Social Affairs, footnote 4 above, pp. 20-22.

14/ See WHO footnote 2 above, p. 15.

15/ E/CN.3/1989/11, p. 9. This work has been undertaken in close co-operation with other interested units of the United Nations, including UNICEF, the United Nations Centre for Social Development and Humanitarian Affairs, INSTRAW, UNFPA, the Voluntary Fund for the Advancement of Women, WHO and the Voluntary Fund for the Decade of Disabled Persons.

16/ See UNICEF, footnote 12 above, p. 82.

17/ International Labour Office, Yearbook of Labour Statistics (1988), 48th issue, Geneva.

18/ International Labour Office, Target Setting for Basic Needs (1982) (Richards and Leonor eds.), Geneva.

19/ International Labour Office, Report of the Committee of Experts on the Application of Conventions and Recommendations (general report and observations concerning particular countries) (Report III, part 4A), International Labour Conference (Seventy-sixth session, Geneva, 1989), p. 33.

20/ Adopted in WHO resolution WHA.34.36, May 1981.

21/ World Health Organization World Health Statistics Annual (1988), Geneva, pp. vi-vii.

22/ Ibid., p. vii.

23/ Ibid., pp. vii-viii.

24/ Ibid., p. viii.

25/ World Health Organization Monitoring the Strategies for Health For All by the Year 2000: Common Framework Monitoring (CFM) (DGO/86.1), 1 December 1986, p. 4.

26/ See, for instance, "Applicability of indicators of socio-economic change for development planning" in Socio-Economic Studies (Paris), No. 7 (1984).

27/ See, for instance, E/1990/8.

28/ See McGranahan and Richard, footnote 1 above.

29/ Various volumes were published by UNRISD concerning the research data bank, including: Volume I, Compilation of Indicators for 1970; Volume II, Compilation of Indicators for 1970 with Adjustments for Age Structure; Volume III, 1960-1970 Comparisons; and Volume IV, Notes on the Indicators.

30/ UNRISD Information Brochure.

31/ See, for instance, UNRISD A Development Monitoring Service at the Local Level, volumes 1-3 (1980-1985).

32/ See UNICEF footnote 12, pp. 94-109.

33/ Ibid., p. 76.

34/ Document A/44/8, addendum, p. 3 (report of the Commission on Human Settlements on the work of its twelfth session).

35/ Ibid.

36/ The World Bank World Development Report (1989).

37/ See World Bank, footnote 10 above, p. vii.

38/ Ibid., throughout.

39/ Ibid., p. viii.

40/ Statement of William H. Draper III (Administrator, UNDP) at the second regular session of ECOSOC, 6 July 1989.

41/ E/C.12/1987/2.

42/ "The Limburg Principles", Human Rights Quarterly vol. 9:2 (May 1987), Johns Hopkins University Press, p. 125.

43/ Ibid., Alston and Quinn, "The nature and scope of States Parties' obligations under the International Covenant on Economic, Social and Cultural Rights", pp. 180-181.

44/ Official Records of the General Assembly, Forty-fourth Session, Supp. No. 38 (A/44/38), General Recommendation No. 9 (eighth session, 1989), para. 392.

45/ Effective Implementation of International Instruments on Human Rights, Including Reporting Obligations under International Instruments on Human Rights (A/44/668), 8 November 1989, p. 46.

46/ See McGranahan and Richard, footnote 1 above, pp. 111-115.

47/ See UNICEF, footnote 12 above, p. 94.

48/ Ibid., p. 85.

49/ See para. 15 of this report.

50/ See International Labour Office, footnote 18 above, p. 1.

51/ Ibid., p. 2.

52/ A. Eide, "Realization of social and economic rights and the minimum threshold approach", Human Rights Law Journal, vol. 10, No. 1-2 (1989), p. 45.

53/ See Eide, footnote 3 above, p. 334.

54/ See McGranahan and Richard, footnote 1 above, pp. 65-79.

55/ P. McGranahan and Richard, "Development statistics and correlations: a comment on Hicks and Streeten", World Development, vol. 9, No. 4 (1981), p. 395.

56/ See UNICEF, footnote 12 above, pp. 75-77.

57/ UNICEF, The State of the World's Children (Oxford University Press, 1989), pp. 94-95 and Paul Ekins, ed., The Living Economy: A New Economics in the Making (London, Routledge and Kegan Paul, 1986).

58/ Eatwell, Milgate and Newman, eds., The New Palgrave Dictionary of Economics, volume 3 (K-P), pp. 242-244.

59/ Ibid.

60/ See also the Report on the World Social Situation, (1989) (E/CN.5/1989/2, p. 37).

61/ Stewart, "Basic needs strategies, human rights and the right to development", Human Rights Quarterly vol. 11, No. 3, (August 1989), p. 358.

62/ See WHO, footnote 2 above, p. 17.

63/ It should be recalled that the PQLI indicator is a composite indicator comprising life expectancy, infant mortality and literacy rates. Its use would be particularly interesting in a comparative sense, for instance in a comparison between other possible core indicators. Moreover, when the indicator for GNP per capita for the poorest 40 per cent of a State's population is unavailable, the PQLI can assist in supplementing its absence.

64/ Indicators relating to inadequate housing conditions still provoke controversy at the international level, with universal agreement about such indicators lacking at present. To a significant degree the utility of this indicator will be dependent on national or local circumstances and perspectives about housing adequacy. It is generally accepted that what is "adequate" in a rich State would constitute an unreasonably high demand on a poorer State. Likewise, a dwelling which could in many ways be adequate in a State of the South would often fall far short of standards of adequacy in a Northern State. The important point here is well stated by Louis Wirth: "Civilization can be judged, at least to some extent, by the minimum housing conditions which a society will tolerate for its members". See S. Leckie, "Housing as a human right", Environment and Urbanization, (London, October 1989), pp. 92-108.

The importance of nationally defined indicators of "housing adequacy" is highlighted by the fact that many housing indicators used in industrialized States have until relatively recently been directly transferred to developing States. Whereas general principles relevant to adequate housing are transferable (protection against eviction, access to services, housing affordability and others), many are not. To cite one example, cubic floor space per person, while certainly valid in many contexts, constitutes a peripheral housing indicator in many third world States where, for instance, 50-75 per cent of all housing constructed is built by the inhabitants themselves. With this form of self-help housing, the crucial indicators would relate to location, cost, security of tenure and against eviction, community service availability and others. Cubic floor space is far down the list of priorities relevant to housing adequacy.

65/ See the 1989 World Survey on the Role of Women in Development, issued by the Centre for Social Development and Humanitarian Affairs, Compiling Social Indicators on the Situation of Women and Improving Concepts and Methods for Statistics and Indicators on the Situation of Women.

66/ See "The Limburg Principles", footnote 42 above, p. 131.

II. FUTURE STANDARD-SETTING IN THE AREA OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

106. The preliminary report of the Special Rapporteur noted several areas where further standard-setting relating to economic, social and cultural rights could be envisioned. It was noted that new standard-setting would be one specific area where co-operation with the specialized agencies could be strengthened. Moreover, the possibility of linking indicators to further standards was mentioned as worthy of consideration. During the discussion of the preliminary report, several experts indicated their support for initiatives involving further standard-setting.

107. In the present progress report an attempt is made to explore various questions involved in any discussion on further standard-setting. To illustrate the questions which are likely to emerge we chose two different areas. The first concerns the right to adequate housing which is recognized in the international instruments in the field of human rights, although only in a very general way. Possible standard-setting in this area would require a more detailed elaboration of rules in order to provide more specificity for a generally recognized right. The other example concerns the area of land rights, i.e. the area which has more indirect, yet multiple, bearing on the realization of a wide number of economic, social and cultural rights. The discussion or the issues arising in the context of these two areas should help the Sub-Commission to develop an approach to standard-setting in the field of economic, social and cultural rights in the future.

A. Right to adequate housing

108. Although the right to adequate housing has been the subject of many resolutions by the United Nations and other bodies, the fact that over 30 national Constitutions enshrine this right, as well as its foundation within a variety of human rights texts, the obligations to fulfil this right and the entitlements inherent within it remain (in a legal sense) quite vague. 1/ This is in spite of the fact that, according to United Nations statistics, well over one billion persons throughout the world are inadequately housed. Homelessness and often inhuman housing conditions are phenomena which are increasing in virtually every State, both North and South. The need for greater precision and enforceability of housing rights and for adopting further standards clearly exists. Virtually no analytical work has been carried out within the human rights organs of the United Nations directly concerning housing rights. In contrast, outside of the United Nations system, a body of literature and activities is emerging which focuses extensively on this underdeveloped right. 2/

109. Calls have been made at all levels to develop further standards focusing on the right to adequate housing. For instance, this issue was discussed during the July 1989 session of the Economic and Social Council. Within the Third Committee of the General Assembly, one statement emphasized that "much standard-setting work remained to be done, for instance, on...the right to adequate housing....". 3/ The Committee on Economic, Social and Cultural Rights has paid increasing attention to the right to housing at each of its successive sessions, devoting an entire day to holding a "general discussion" on this right in early 1990. 4/ In addition, several members of the Sub-Commission noted the desirability of further standard-setting on the right

to housing during the discussion of the Special Rapporteur's preliminary report. Both international and national non-governmental organizations have echoed this call as well.

110. Before addressing some of the central themes which require examination in the context of standard-setting in the field of the right to housing, we should consider which United Nations agencies could and should play a pivotal role in fulfilling this aim.

111. UNCHS would certainly be one of the principal agencies involved. Although the emphasis that UNCHS has placed on the rights side of the broader issue of human settlements has been relatively minor, their recognition of housing as a right has certainly been apparent. For instance, in the Global Strategy for Shelter to the Year 2000 (GSS) which evolved out of the International Year of Shelter for the Homeless (IYSH) in 1987, UNCHS states that:

> "The right to adequate shelter is recognized universally, and all nations, without exception, have accepted some form of obligation to meet the shelter needs of their people. To address this obligation effectively, Governments must make basic changes to their existing policies on shelter...". 5/

112. The work UNCHS has carried out in the field of housing and human settlements indicators relating to the IYSH and the GSS could also contribute greatly to achieving measureable precision in any future document. Its current experience with the evaluation and assessment of GSS might be of assistance in developing certain elements of a future instrument. UNCHS has clearly revealed its interest in the issue of housing rights by actively participating, for the first time, in the most recent session of the Committee on Economic, Social and Cultural Rights.

113. WHO could also play an extremely useful role in developing additional, concrete legal instruments relating to the right to housing. Its programme "Environmental Health in Rural and Urban Development in Housing" has direct implications to issues relating to housing rights. 6/ WHO has recognized the health threats and problems associated with inadequate housing conditions for decades. The Global Programme on AIDS (GPA) of WHO could help to develop the right to housing on the basis, inter alia, of the work they carry out or sponsor on the multitude of housing problems faced by people with HIV or AIDS. Finally, the work of WHO in the fields of water, sanitation in the area of social indicators in general, and in the evaluation of the Health For All by the Year 2000 Programme, would also be of the utmost importance towards this end.

114. ILO also maintains a mandate relevant to housing rights. In addition to the Building, Civil Engineering and Public Works Committee, ILO Recommendation No. 115 on Workers' Housing (1961) remains one of the most detailed international instruments dealing with housing and other related issues. 7/ The preamble of No. 115 states that "Whereas the Constitution of ILO provides that the Organization shall promote the objects set forth in the Declaration of Philadelphia, which recognizes the solemn obligation of ILO to further among the nations of the world programmes which will achieve the provision of adequate housing". In the three decades which have passed since the adoption

of this instrument substantial changes have taken place in many perspectives concerning housing, and housing rights. It is for these reasons that a resolution adopted in 1987 by ILO's Governing Body recommended the revision of Recommendation No. 115. 8/

115. The Committee on Housing, Building and Planning of ECE could also play a useful role in assisting with the further elaboration of housing rights. Its work on indicators and recommendations for housing and population censuses reveals its direct link with several of the critical issues involved. 9/

116. In addition to the assistance which could be provided by the aforementioned organs, non-governmental organizations (NGOs) should act as equal partners in any future adoption of such an instrument. NGOs are very active in the field of housing rights, from the international to the local level. Habitat International Coalition (HIC), through its international campaign for housing rights, has nearly completed the drafting of an international declaration on housing rights, and has recently published a document entitled "Towards an International Charter for Housing Rights". One of the central themes addressed by HIC in these contexts is the still common phenomenon of forced evictions and displacements, acts which clearly infringe the entitlement to the right to adequate housing. 10/

117. A variety of regional, national and local housing rights campaigns are active in an aim to give the right to housing legal clarity as well as greater legislative recognition. Campaigns for Housing Rights are currently under way in Asia (the Asian Coalition for Housing Rights), India (National Campaign for Housing Rights), Canada, Belgium, South Korea, Colombia, Ecuador, the Dominican Republic, Senegal, South Africa and other countries. Arguments supporting NGO participation in the general housing process and in the drafting of any further texts on housing rights are only strengthened when we consider that research has consistently shown that NGOs and community-based organizations (CBOs) are, in co-operation with the people and are often able to build up to 10 times the amount of housing that the State can provide, with even less resources. 11/

118. A variety of issues, principles and perspectives not traditionally dealt with by human rights bodies will need to find recognition within any future international instrument on housing rights. While we cannot go into detail here, it is useful to mention at least a few. Several themes should be at the foundation of a convention on housing rights. Among these are:

(a) Land issues: discernible governmental obligations need to be developed aiming to substantiate the right to a secure place to live in peace and dignity;

(b) A prohibition on mass, forced and other forms of eviction, removals and displacements: these acts virtually always contravene obligations surrounding the right to housing and confront people in every State in the world, albeit to widely diverging degrees;

(c) Protection against all forms of discrimination in the housing sector: this will include groups traditionally protected by human rights legislation and those found in CERD, but must also be expanded to include groups which, although insufficiently protected, none the less are frequent victims of discrimination in the housing sector;

(d) Enabling strategies: according to GSS, "The fundamental policy change will need to be the adoption of an 'enabling' approach whereby the full potential and resources of all actors in the shelter production and improvement process are mobilized; but the final decision on how to house themselves is left up to the people concerned";

(e) The role of women: the rights of women in all aspects of housing, including title to land, inheritance rights, decision-making and so forth will need to find recognition;

(f) Security of tenure: felling secure in one's home, whatever the form of the dwelling or structure, is one of the most crucial elements of the right to housing. People must possess legal protection against eviction, the right to do as they please within their home and to control their housing situation;

(g) Housing affordability: as an absolute minimum, costs associated with housing must be reasonable to the extent that the acquisition of other basic needs is not sacrificed in any manner whatever;

(h) Accessibility to water, sanitation facilities, employment, transport, roads and other fundamental infrastructure, and other social services;

(i) Participation and control of housing by individuals and their communities: people must have the right to fully participate in all aspects of the housing process and have the freedom to make the critical decisions which affect them in this regard;

(j) The role of the "informal housing sector" in the provision of housing resources and in fulfilling housing needs: any future instrument on housing rights must recognize the staggering contribution the informal housing sector has made and continues to make in the provision of housing resources. Additionally, those currently living in informal housing (which often amounts to 50 to 75 per cent of third world cities) must be recognized and given legal tenure over the lands they occupy;

(k) The impact of armed conflict on housing rights: although the Protocols to the Geneva Conventions are intended to prohibit damage to civilian housing, practice has unfortunately revealed tremendous destruction of entire neighbourhoods in the event of armed conflict;

(l) The right, but not the duty, to house oneself: the right to housing implies the freedom to house oneself if one so chooses, but also the right to have access to the necessary credit, building materials, land and infrastructure provided by the State;

(m) Health and housing rights: the many threats to health apparent both in states of homelessness or inadequate housing must be prevented and rectified through the adoption of an instrument on housing rights;

(n) Environmental issues directly linked to housing rights: this would include floods, landslides, pollution of land, water, air, etc. The need for sustainable planning of human settlements and housing must be recognized;

(o) Specialized housing needs: the housing needs of the elderly, the disabled, the terminally ill, children, women, and other groups must also find recognition;

(p) A legal definition of the term "adequate housing": such a definition could be based on six possible criteria: (i) an adequate physical structure; (ii) the site on which it is built; (iii) the infrastructure and facilities provided to it; (iv) the cost; (v) the location; and (vi) type of tenure.

119. The process leading up to an instrument on housing rights could provide a good basis for directly incorporating the use of indicators into the standard-setting process, as well as exploring further and elaborating State obligations of conduct and result in the realm of housing rights. The State has the duty to refrain from actions such as eviction, discrimination in the housing sector and imposition of measures limiting people's ability to participate in and control their housing resources. However, housing rights necessarily imply the obligation of the State to provide, for instance, the physical infrastructure and basic services inherent within the right to housing and create mechanisms to allow access to land, building materials and financing. Moreover, the drafting process could enable new ideas to emerge relating to the practical issues of enforcement, monitoring and justiciablility surrounding this right, issues also much in need of substantiation and improvement in this context.

120. The Special Rapporteur would appreciate comments from the Sub-Commission concerning the prospects of further standard-setting in the field of housing rights and whether it might be beneficial to commission a Study on Housing Rights, similar to that done on the right to food, prior to initiating moves towards an international convention on housing rights.

B. Land rights

121. It is increasingly recognized that land rights and agrarian reform are often central to the realization of human rights. The fulfilment of various economic, social and cultural rights show a direct relationship to land, such as the right to food, the right to housing, the right to an adequate standard of living, the right to culture, the rights of indigenous peoples and others. The Special Rapporteur is fully aware of the delicate nature and controversy surrounding issues relating to land issues internationally, yet feels convinced that the time has come to give this fundamental issue the serious attention it deserves. No question is more central to power relations within society or to issues of equality and income distribution than land.

122. Land rights and other interrelated concerns, although often forgotten or ignored, are recognized in several less frequently considered international texts, which by and large represent "soft law" initiatives. Can the Sub-Commission play a useful role in assisting with the transformation of these many principles into "hard law"? The body of international law encompassing land issues is much broader than generally thought and, for the sake of clarity, what follows are several of the more important delineations of land rights within these texts.

123. The United Nations Declaration on Social Progress and Development (1969) contains several interesting clauses. Part III (Means and Methods) states:

"On the basis of the principles set forth in this Declaration, the achievement of the objectives of social progress and development requires the mobilization of the necessary resources by national and international action, with particular attention to such means and methods as:

"Article 17 (d): Measures for appropriate supervision of the utilization of land in the interests of society";

"Article 18 (b): The promotion of democratically based social and institutional reforms and motivation for change basic to the elimination of all forms of discrimination and exploitation and conducive to high rates of economic and social progress, to include land reform, in which ownership and use of land will be made to serve best the objectives of social justice and economic development";

"Article 18 (c): The adoption of measures to boost and diversify agricultural production through, inter alia, the implementation of democratic agrarian reforms..." (emphasis added).

124. Similarly, the Vancouver Declaration on Human Settlements (1976) considers land in the following manner:

"II. General Principles

...10. Land is one of the fundamental elements in human settlements. Every State has the right to take the necessary steps to maintain under public control the use, possession, disposal and reservation of land. Every State has the right to plan and regulate the use of land, which is one of its most important resources, in such a way that the growth of population centres both urban and rural are based on a comprehensive land plan. Such measures must assure the attainment of basic goals of social and economic reform for every country, in conformity with its national and land tenure system and legislation."

"III. Guidelines for Action

...13. Land is an essential element in the development of both urban and rural settlements. The use and tenure of land should be subject to public control because of its limited supply through appropriate measures and legislation including agrarian reform policies - as an essential basis for integrated rural development - that will facilitate the transfer of economic resources to the agricultural sector and the promotion of the agro-industrial effort, so as to improve the integration and organization of human settlements, in accordance with national development plans and programmes. The increase in the value of land as a result of public decision and investment should be recaptured for the benefit of society as a whole. Governments should also ensure that prime agricultural land is destined to its most vital use."

125. The recently adopted Global Strategy for Shelter also mentions land in various contexts concerning housing and human settlements. For instance, under the context of land management, the GSS states that:

(a) Governments will need to stimulate the flow of sufficient land to meet shelter needs;

(b) In many countries, Governments will need to recognize the practical importance of the informal land market and remove existing constraints to it;

(c) Governments will have to devise alternatives to the informal processes of land supply that have assisted many low-income families in the past but that may not be able to supply land to meet future needs;

(d) Where Governments do not directly control the land market, there will be an array of options for making land available to meet residential needs;

(e) Carefully selected incentives and sanctions are realistic measures for interventions by Governments in land markets to increase supply of residential land;

(f) Land management will need to be improved through, inter alia, introduction of affordable land registration systems and programmes of land tenure regularization;

(g) Shelter upgrading will require the preservation of land in low-income housing use; and

(h) Future squatting can be controlled once an effective land-management system is in place, but squatters who have accumulated tenure rights through prolonged stay need to be recognized and legitimized. 12/

126. The Executive Director of UNCHS has addressed the issue of land in the following terms:

> "Land is the key to tackling the housing crisis facing third world cities. The lack of cheap, legal housing plots means that most new housing today is built in illegal shanty towns. If city governments provide such plots, they could slow the rapid growth of these shanty towns and ease the pressure in crowded city slums." 13/

127. ILO Convention 169 on the Rights of Indigenous Peoples addresses land rights in a detailed manner. Some of the more important points included in articles 13-19 concern:

> "14. The right of ownership and possession of the peoples concerned over the lands they traditionally occupy shall be recognized ...;
>
> "15. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded ...;
>
> "16 (1) Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy ...;

"19. National agrarian reform programmes shall secure to the peoples concerned treatment equivalent to that accorded to other sectors of the population with regard to: (a) the provision of more land for these peoples when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers; and (b) the provision of the means required to promote the development of the lands which these peoples already possess."

128. Neither the right to property nor the right to land are found within the two Covenants. The only component of the International Bill of Rights which mentions either issue is the Universal Declaration, in the much quoted article 17. It provides that: "1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property".

129. All of the regional systems for the protection of human rights, namely the Council of Europe, the Organization of American States (OAS) and the Organization of African Unity (OAU), maintain legal clauses relating to property; both directly and indirectly. Protocol One to the European Convention on Human Rights and Fundamental Freedoms, adopted in 1952, provides the following:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to conditions provided for by law and by the general principles of international law.

"The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

130. It is interesting that even within this European instrument, the term "property" is not utilized, nor does the Protocol actually entail the right to acquire property. Since this clause entered into force, far fewer cases have gone to the Commission or Court than were originally anticipated. 14/

131. Two instruments of OAS deal in relative detail with the right to property. Article 21 of the American Convention on Human Rights provides:

"(1) Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to interest of society.

"(2) No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest and in the cases and according to the forms established by law.

"(3) Usury and any other form of exploitation of man by man shall be prohibited by law" (emphasis added).

132. The American Declaration on the Rights and Duties of Man (1948) contains a very relevant clause, which touches particularly on the realization of economic, social and cultural rights. Article 23 of this instrument reveals that:

> "Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and his home".

This provision more than any other, approaches the issue of property from the perspective of a necessary entitlement to fulfil the needs of decent living and dignity.

133. In article 14, the African Charter on Human and Peoples' Rights states:

> "The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provision of appropriate laws".

134. The aforementioned legal provisions provide a general overview of the way in which land and property issues are viewed in legal terms. A striking aspect about virtually all of the provisions listed is the substantial power of the State vis-à-vis the utilization of land. What is even more striking, however, is the fact that, in practice, theses powers are rarely used in a constructive manner. National and local laws limiting the amount of urban land individuals can hold have been tried in many settings with extremely limited success. 15/ At another level, full-scale "nationalization" or "socialization" of land have had as many negative effects as positive ones. 16/ In many countries there exists an extremely disproportionate societal relationship between those owning land and those without land. It must be recalled that land is both a public and a private good; householders and farmers need secure land to fulfil their needs, while the community needs space for roads, paths and community facilities.

135. Millions of people in the cities of the world and the countryside have insufficient or no legal tenure over the land they occupy or farm. Adequate tenure within both urban and rural settings has been clearly recognized as a prerequisite for the full realization of a variety of human rights. Insecure tenure often forces peasants into exploitive relationships with land owners and at another level discourages the urban poor to improve or maintain their dwellings. Without adequate legal tenure the threat of eviction or displacement never ceases and possibilities for all sectors to exercise individual self-determination and plan for the future are severely curtailed. It should be noted that existing as well as developing indicators are available for measuring (a) land distribution in society and (b) the various types and extent of security of tenure. Although such indicators need to be developed further, their use would certainly be critical in further elaborating and understanding the nature of land within the context of human rights law.

136. A variety of United Nations agencies could be directly involved in further work surrounding the links between land and human rights, including FAO, ILO, UNCHS and others.

137. The issues surrounding land rights are complex. In the view of the Special Rapporteur it seems necessary that a further study be undertaken by the Sub-Commission to explore these issues in far greater detail than is possible here. In addition to the points just noted, some further issues which could be addressed in the context of a possible separate study on land include:

(a) Are the rights to possess property or land as currently found within international human rights law sufficient when viewed in the context of human rights? Or should the approach to the question of land rights begin with this right being seen as an entitlement, as opposed to a right to be free to obtain, possess or purchase property?;

(b) Can the Sub-Commission or other human rights bodies offer constructive ideas concerning statements such as that made by the World Commission on Environment and Development in Our Common Future, that

> "When half or more of a city's workforce has no chance of obtaining a legal plot on which a house can be built, let alone of affording to buy or rent a house legally, the balance between private landownership rights and the public good must be quickly rethought"; 17/

(c) Does the right to land or property necessarily imply the right to ownership thereof? Would it not be more efficient if, for instance in the context of the right to housing, "the right to a place to live in peace and dignity" were to become the accepted norm and ideal end? Such a perspective would include the right to own property, but a superseding right to a secure place which is not necessarily owned by the occupant;

(d) Can or should the human rights organs of the United Nations either encourage or persuade States to make more effective use of their existing legal powers to guarantee a more equitable distribution of land in the social interest?;

(e) Is it necessary or would it be worthwhile to adopt further standards concerned specifically with land issues? Would it perhaps be more advantageous to include land rights issues in standards concerning other rights, such as the right to housing? Or would it be more feasible to expend greater energy in implementing those principles already in place?

138. Consideration of the questions listed above could help in further analysis of the scope of future standards-setting in the field of economic, social and cultural rights. While it is clear that standard-setting is more necessary in some areas than in the others, it would be useful to explore the question of feasibility of standard-setting in such areas as land rights, i.e. in areas which have an indirect, yet important, bearing on the overall process of the realization of economic, social and cultural rights. The members of the Sub-Commission are invited to comment on this question and thus to facilitate further analysis regarding future standard-setting.

Notes

1/ The right to housing is currently found in the Covenant on Economic, Social and Cultural Rights (art. 11), the Convention on the Elimination of Racial Discrimination (art. 5 (e) (iii)), the Convention on the Elimination of All Forms of Discrimination Against Women (art. 14 (2)), the Universal Declaration on Human Rights (art. 25) and within a variety of other international and regional instruments. See Scott Leckie, Shelter as a Need, Shelter as a Right: the Right to Adequate Housing in International Human Rights Law (International Institute for Environment and Development, 1990) appendix 1.

2/ See, for instance, Hardoy and Satterthwaite, Squatter Citizen (London, Earthscan, 1989); "Homelessness and the right to shelter: a view from Parkdate" in Journal of Law and Social Policy, vol. 4, 1988, pp. 35-108; Sen et al., Housing is a Human Right! (Calcutta, National Campaign for Housing Rights in India, 1989).

3/ A/C.3/42/SR.40, para. 33.

4/ E/C.12/1990/CRP.1/Add.11, as revised.

5/ Global Strategy for Shelter to the Year 2000, A/43/8/Add.1.

6/ Shelter and Health: Contribution of WHO to the International Year of Shelter for the Homeless (WHO/EHE/RUD/87.1) Geneva, 1987.

7/ Recommendation No. 115 Concerning Workers' Housing, adopted 28 June 1961.

8/ See resolution III of 23 June 1987 concerning the International Year of Shelter for the Homeless and the role of ILO, International Labour Conference, seventy-third session, Geneva.

9/ Recommendations for the 1990 Censuses of Population and Housing in the ECE Region, (ECE) 1987, United Nations, New York.

10/ The Committee recognized in the summary of the general discussion on the right to housing that this right was subject to violation, particularly in the case of evictions. See above, note 4 and E/C.12/1990/SR.22.

11/ Turner, Building Community: A Third World Casebook (from Habitat International Coalition, Bertha Turner editor), (London, Building Community Books, 1988); Marion Boyers Housing by People: Towards Autonomy in Building Environments (London, 1976); Ospina Housing Ourselves (1987) Hilary Shipman, (London, 1987); Environment and Urbanization: Beyond the Stereotype of Slums - How the Poor Find Accommodation in Third World Cities (vol. 1:2, October 1989), International Institute for Environment and Development, London.

12/ See above, note 5, pp. 43-45.

13/ McAuslan, Urban Land and Shelter for the Poor (Earthscan (International Institute for Environment and Development) 1985), p. 9.

14/ Fawcett, The Application of the European Convention on Human Rights and Fundamental Freedoms (Clarendon Press, 1987), p. 227.

15/ McAuslan, note 13, pp. 31-40.

16/ Idem.

17/ World Commission on Environment and Development, Our Common Future (Oxford University Press 1987), pp. 250-251.

III. THE QUESTION OF EXTREME POVERTY

139. In the preceding parts of this progress report we discussed questions relating to assessment of actual progress in the realization of economic, social and cultural rights. We have seen that social and economic indicators can be useful in that context, particularly as they help to evaluate the material aspects of the realization of these rights over a period of time. We have also seen that the question of usefulness of indicators in the context of the problem of violations of economic, social and cultural rights is more difficult and requires further consideration. Further development of more precise international standards regarding the economic, social and cultural rights seems to be necessary, particularly in the area of social rights. The experience of ILO in regard to standard-setting is of particular importance in this connection. One is led to believe that development of an appropriate methodology in the field of indicators and further standard-setting represents two parts of a task which will have to be pursued in parallel in future activities in the field of realization of economic, social and cultural rights.

140. An additional task in this framework relates to better understanding of the problem of extreme poverty and to possible action in that regard. In our preliminary report (paras. 38-51) some of the basic problems were mentioned. It remains the opinion of the Special Rapporteur that the question of extreme poverty should not be seen only as a social phenomenon requiring further study and analysis, but also as a problem which requires strong moral and political commitment aiming at eradication of poverty. Human rights norms provide a normative basis for such commitment and, indeed, it could be argued that human freedom calls for such a commitment. As said in the preliminary report (para. 46), the words "poverty" and "poor" should not be understood as suggesting passivity of the poor. The poor should be seen as subjects and partners of change rather than "objects" of anti-poverty action.

141. For these reasons, in the process of preparation of the present progress report, the Special Rapporteur has engaged in extensive consultations with ATD-Fourth World, the organization which has gained important experience in anti-poverty activities based on active involvement of the poor. The following paragraphs of the present progress report represent the outcome of these consultations and the contribution of ATD-Fourth World to this report.

A. Introduction

142. As an introduction to the question of extreme poverty, it is necessary to go back to the concept of human dignity. Discussion of the indivisibility of human rights involves consideration of the indivisibility of the individual and his dignity; recent discussions on human rights and the right to development have stressed the fact that the individual and his dignity must be at the centre of all development efforts. 1/

143. Knowledge of the daily experience of persons in a situation of extreme poverty is important for an understanding of the notion of human dignity.

144. For a person who cannot assume any external signs in order to assert his dignity, who cannot conceal his dependence on others with social, economic or cultural achievements, who has nothing but his human nature and that of his family to show the world, the assertion of dignity can be summed up in the question: "In your eyes, who am I?

145. To convince a person of his inherent dignity, another person is needed. For dignity to continue to be asserted in the community of mankind, everyone would therefore appear to need a partner to confirm or even reveal his dignity to him. For human dignity to be able to fulfil its role as the spring of human rights, it is not enough for the individual to carry within himself the deep-rooted conviction that he is endowed with dignity, that he is "not a dog"; this feeling must be confirmed by someone else.

146. In your eyes, who am I? ask the world's poorest. Indifference to this question stifles human rights before they take shape and prevents the source of human rights - human dignity - from flowing. The mutual recognition of human dignity has in our opinion two main consequences for the realization of all human rights:

(a) Human dignity is "untamable": the fact that it has its roots in the very essence of the human condition makes its codification difficult. One might be tempted to say that, by definition, it cannot be reduced to norms. It goes beyond human rights, once these have been defined, demarcated and contained in texts regulating human relations. The promotion of human rights can therefore take place in the international community only if awareness of them and their observance are nourished by a constantly-renewed identification of the demands of dignity, as the human environment evolves. Within this evolution, the experience of the weakest, and their question "In your eyes, who am I?" may be the guiding experience in the endeavours to bring about renewal.

(b) Human dignity appeals to fraternity: Those concerned about human rights when the Universal Declaration of Human Rights was drawn up had comprehended that human dignity can prevail only in a spirit of fraternity; the concepts of the human family and the duty to behave towards others in a spirit of fraternity are inherent in human rights thinking.

147. But have the world community and the nations of the world always drawn the lesson from this? Are human rights always observed in the light of the question asked by the most impoverished: In your eyes, who am I? Do our instruments for the protection of economic, social and cultural rights in particular, but also of civil and political rights, always reflect a fraternal purpose?

148. When it is a question of putting fundamental rights into practice, the question "In your eyes, who am I?" becomes more relevant; are you ready to put this fraternity into practice, and have my hopes become your hopes?

149. Father Wresinski and the International Movement ATD-Fourth World have emphasized to the international community that putting human rights into practice in a fragmentary fashion (to be distinguished from putting them into practice by stages) is a betrayal of the spirit of human rights, which requires that every right granted should express a desire to foster the overall development of the individual, that it be the initiating factor for a set of rights necessary for that indivisible whole: the human person.

B. Enabling persons and groups living in a situation of extreme poverty to make known their experience of impoverishment and poverty: a fundamental act of democracy

150. When the Commission on Human Rights adopted the resolutions on human rights and extreme poverty 2/ at its forty-fifth and forty-sixth sessions, it stressed the need for better knowledge of the phenomena of extreme poverty and of its causes. In this first section, we should like to make some comments on the type of knowledge that will enable these issues to be tackled.

151. During the discussions on the need for a more thorough knowledge of extreme poverty, many obstacles were identified: the heterogeneous nature of very poor populations, the lack of statistical data and the uncertainty as to the best methods of obtaining them, and the complexity of the causes of impoverishment. The aim of the present contribution is not so much to find answers to these questions or to consider means of gaining knowledge, 3/ as to identify the spirit in which the search for knowledge may be carried out.

152. The dignity of the individual can reach fulfilment only if it is revealed or confirmed by a partner. The endeavour to understand extreme poverty derives from the same relationship of partnership and fraternity. It reflects the desire of the non-poor to know and their refusal to be indifferent. We must therefore seek to understand the thinking of those who are afflicted by extreme poverty and to create the conditions in which they may freely express their thoughts.

153. This search for knowledge, a dynamic confrontation resulting from a refusal to be indifferent, is an expression of the joint desire of the non-poor and the poor to combat extreme poverty together.

154. Consequently, the efficacy of familiarity with extreme poverty would seem to depend less on the precision of the technical instruments (statistics, surveys) available than on agreement (through shared familiarity) on the goals to be achieved and the means to be used in combating extreme poverty.

155. The creation of familiarity, viewed as a dynamic interaction between the non-poor and the poor, then emerges as a democracy-creating process. Recognition is followed by acquaintance when human dignity is given room to develop.

C. "Where people are condemned to live in poverty, human rights are violated" - how and why? 4/

1. The extremely poor, defenders of human rights

156. The manner in which persons in a situation of extreme poverty refer to their condition itself reveals how poverty is a violation of human rights. The experiences to which they refer compare with those mentioned by other victims of human rights violations: "I always look behind me when walking in the street"; "I felt that I was being watched"; "They persuaded me that it would be better to give my child up. I changed my mind very quickly but I couldn't have my way because I was under too much pressure"; "They came to get me to put me in a psychiatric hospital".

157. The very poor are repeatedly told: "You're a useless parasite and a nuisance to the community in which you live". Such remarks, when endlessly repeated, finally sow doubt in the minds of those to whom they are addressed and sap their strength.

158. The common experience shared by victims of human rights violations and men and women living in extreme poverty should make us appreciate how the poorest of the poor, in their situation of extreme dependence and weakness, strive to resist the destruction of their dignity and to be upholders of human rights, in their own situation and by their own means.

159. All those who have been offended in their dignity have experienced the effects of man's temptation to gain power over his brother, and learned the limits to fraternity that are set by our communities. Beyond those limits, the fate of some is internment of all kinds; others are abandoned outside time and space - two facets of the same denial of fraternity and dignity.

160. Is it then possible to identify human rights violations in the ensnaring web of poverty?

2. The poverty trap and human rights

161. We should remember that the very poor are involved in a daily struggle. Poverty is not a static state but is made up of daily accumulations of privations, dependence and resistance to destruction and to self-destruction.

162. In order to show the need for a closer study of this complicated situation in the light of human rights, it is perhaps useful at this point to try to understand what Father Wresinski described as the "violence done to the poor", the "torture of poverty" and the "violation of human rights".

163. He meant by this the torture of the daily concern not to dissatisfy those who have power over you; the torture of slum housing which destroys all family harmony; the torture of silence which forces the poor to let their minds wander in circles and to destroy themselves; the torture of contempt.

164. Poverty is violence done on the bodies of the poorest whose only capital, as poor children, young people, women and men, is the physical strength they are obliged to live off from their earliest years (child labour, prostitution), when they must use up their bodies, extract from them more strength than they possess (conditions of work and enforced idleness of the poorest men and women) in order to produce the necessary means of providing shelter and food and bringing up their families.

165. Can this violence done to the poor be identified as a violation of fundamental rights for which remedy can be obtained through the courts? Different answers must be given here.

166. The road down to the depths of poverty is paved with human rights violations that are recognized and protected by international and national instruments. The paving of this road is constituted by discrimination against persons in a situation of inferiority, and particularly economic inferiority, in the exercise of human rights or lack of access to means of monitoring the implementation of guaranteed fundamental rights.

167. One might wish to describe impoverishment - i.e., the road from relative poverty to extreme poverty, and thus towards extreme dependence on the goodwill of others in economic, social, political and cultural matters - as a succession of passive discriminations, or discriminatory omissions in respect of recognized fundamental rights, and the impossibility of securing justice.

168. At the end of the road, however, the discrimination becomes more active. A person in a situation of extreme poverty is liable to lose his rights and become an "outlaw". The collective memory of the very poor is familiar with this phenomenon. "I don't have such rights" is their first reaction to texts such as the Universal Declaration of Human Rights. The right to protection of family life, to freedom of opinion and association and to adequate social services has been "lost".

169. Careless or blind discrimination against those in a weak position leads to cessation of fraternity, crossing the boundary of the poverty areas of the world, beyond which people are "sunk", "trapped", as if they did not exist.

170. The process of impoverishment may thus be seen as a series of violations of fundamental rights at the conclusion of which those living in poverty are more liable to find themselves subject to the "restrictive clauses" that our international and national instruments allow, than to be recognized as defenders of human rights. It is clearly for that reason that so many different answers must be given to the question as to what forms the basis of the assertion that "poverty violates human rights".

171. Of course, no one wished to infringe the freedom of the family, but, because he did not have a recognized place of abode, Mr. R. did not get his voter's card. The police did not come at 5 o'clock in the morning to arrest him but Mr. R. and his wife have been hiding their youngest child for some months because they are afraid that he will be taken away from them on account of the conditions in which they live. 5/

172. In 1984, George Orwell describes a torture session during which a man is forced to admit that he has only four fingers when he actually has five.

173. A woman whose third child was taken away at birth says publicly: "I have two children". Privately she says of her third pregnancy: "I tried to pretend that nothing had ever happened; the doctor told me to put on mourning as if my baby had died."

174. Is this not also a way of truncating the essence of an individual, his awareness of body and mind, in order to assert power over him? In this case it is not political power, but the power of those who decide what is good for the poor, often without taking their opinion into account.

175. Poverty is a flagrant violation of human dignity and yet so difficult for legislation to cover. Learning from the poorest what these violations may entail in order constantly to improve on necessarily inadequate legislation - this is the object of becoming acquainted with extreme poverty in order to protect human rights.

D. Every conquest of a corner of freedom, achieved through the courage of the very poor in defending human dignity, opens up society as a whole to a renovation of its human rights practice

176. Another vital challenge is to learn how human rights can be restored through experience of action taken by the very poor within their community.

177. It is essential, in order to learn what are the links between human rights and extreme poverty, to try to understand not only the sequence of events leading to loss of rights but also what contributes to their restoration. This will provide us with a wealth of examples for safeguarding and promoting human rights.

178. As was mentioned in the introduction, human rights can be understood only in relation to the idea of fraternity. Poverty, exclusion from society, or the denial of human rights to an individual or a group means that the chain of fraternity has been broken.

179. In a southern Sahara shanty town where everyone lives in privation, they say "those over there are the poor", referring to those who no longer have social relations and who also live apart. To be "poor" is to have no one to fall back on as a last resort when the risks of life have used up all one's resources.

180. The R. family, mentioned earlier, 6/ has been living for four years in the basement of a ruined house on the outskirts of the capital of an industrialized country. In order to hasten their departure, the cemetery where the R. family obtained its water supply has been closed. Their application to be rehoused in a neighbouring complex was denied on grounds of fear that they would not know how to behave like good neighbours.

181. It is necessary to understand how any conquest of freedom based on the courage of the very poor in defending human dignity aims at restoring fraternity, and opens up society as a whole to a resumption of the observance of human rights.

182. This means identifying and retracing the paths which, for example, led a group of women banished from their communities to secure not only the lifting of the invisible and tacit ban against them, through restoration of freedom of opinion and association and then of the right to work, but also through a new awareness in the community and local associations of the respect due to the weakest and of their potential.

183. It would be desirabe to study how groups of young people who are street-dwellers or in prison can progress towards the realization by themselves and by the surrounding community that their life may have a meaning and that the community would betray its own values by abandoning them.

184. Poverty weighs on such young people in that they are convinced that they have sullied the family name. Slowly, through assertion, here too, of their right to express themselves, to obtain an education and to work, joint achievement proves possible and this, for an entire milieu, including these families, breaks the spell of the fatality of poverty, experienced or tolerated.

185. It would also be necessary to investigate achievement of the right to education in a slum, or for a totally isolated small family group camping out in a prohibited area of some metropolis. The manner in which recognition of the fact that the most forsaken children have this right makes an entire community shake off its enforced immobility should also be studied.

186. Finally, emphasis should be placed on the dynamism essential to the promotion of human rights that lies hidden in the hopes, experiences and dreams of the world's most destitute men, women and children, and on the fact that, to reveal it, others must bear witness to human dignity. To enable individuals and groups living in extreme poverty to convey their experience is a fundamental act of democracy.

187. It is necessary to develop both awareness of human rights and knowledge of the conditions for their exercise. Creation of a soil in which human rights can be exercised is in itself a step towards realization of those rights.

188. In seeking to understand extreme poverty we must therefore depict the daily courage of the most destitute, as a preface to any project for the promotion of human rights and to any development project, whatever its economic, political or cultural context.

E. The realization of human rights, and particularly of economic, social and cultural rights: some issues considered from the standpoint of persons living in extreme poverty

189. The realization of human rights is not concerned only with economic, social and cultural rights. The experience of those most exposed to discrimination because of their extreme poverty clearly reveals the indivisibility of human rights. Therefore, before considering in greater detail the question of the realization of economic, social and cultural rights, it seems essential to explain how the situation of the most destitute reflects the indivisibility and the interdependence of human rights.

190. It seems essential also to comment briefly on the concept of "partnership", an essential factor in the realization of human rights.

1. The indivisibility of human rights considered from the standpoint of persons living in extreme poverty

191. After we have seen how human rights are violated by poverty, the question of indivisibility seems almost to be self-evident. It is obvious that poverty tortures the individual concerned both physically and spiritually, through the material and non-material conditions of his existence. It inspires him to resist in order to safeguard his dignity by all possible means. The defence of economic, social and cultural rights and of civil and political rights is one and the same.

192. It is important to understand to what extent economic, social and cultural dependence constitutes an impediment to a person's freedom as a citizen; there is no freedom of thought for the person who must get on well with present or putative creditors ("You have to be on good terms with everyone"); and there is no freedom of expression or association for those who

have to "maintain a low profile". Freedom of thought, of choice, of opinion, of commitment, all freedoms in fact disappear vis-à-vis anyone who controls the livelihood and existence of the very poor and their families, whether it be an employer, a local authority or an administration.

193. Conversely, benefits of a purely economic, social or cultural nature (literacy, payment of a minimum wage, work, housing, etc.) if stingily granted to the very poor, cannot liberate their minds. Security of existence "at a reduced rate" or on a "second class" basis, as has been the case in a number of industrialized countries, neither serves to free the mind of material worries nor to "make a new start with one's head held high". Too often, it only consolidates second-class citizenship in all respects. Human rights can never be reduced to a catalogue of demands. The right to responsibility, commitment and usefulness is a constituent element of dignity and therefore of human rights; any conception or implementation of human rights which fails to take account of the individual and his opportunities of and responsibility for fighting for others in his turn, runs the risk of betraying the expectations of the poor and excise an essential dimension from human rights.

194. Some aspects of the indivisibility of human rights have thus been shown:

(a) Civil and political rights are worthless without economic and social rights and freedoms;

(b) The granting of economic, social and cultural rights is a betrayal of human rights if the former rights are not aimed at giving freedom through security and knowledge;

(c) Human rights become sterile if they do not open on to the prospect of ensuring dignity for all.

2. The partnership of the poorest citizens - a prerequisite for the protection and promotion of human rights for all

195. "The world would be a better place if there was more communication between people", as a person in a situation of extreme poverty said; from her this was no witticism. She had in fact just received a proposal of help in her difficulties, but on condition that her children remained under supervision although she herself wanted to take them back. As she put it, "Is that what working together means, if it is decided from the start that I'm going to be the loser?"

196. Can one talk of guaranteeing basic rights when those rights vanish as soon as a person is at risk of extreme dependence? Communication with the very poor and a determination to associate them with the promotion of human rights, both in their conception and in their implementation and its monitoring is already to put into practice the spirit of human rights, as is, as we have seen, the determination to comprehend the process of impoverishment and extreme poverty.

197. The report of the French Economic and Social Council on extreme poverty and economic and social need is an example of putting such partnership into practice, as it was drafted in constant consultation with the populations concerned:

(a) As far as the conception of human rights is concerned, the putting into practice of this partnership means that the current evaluation of the international instruments concerned with economic, social and cultural rights must seek by all possible means to gain an understanding of the experience of the poorest populations. This also means, for example, during the establishment of new economic, social and cultural areas throughout the world, calling on the experience of the poorest. To take a current example: in the Europe of the Single Act what freedom of movement will the poorest citizens have, unless it is understood that foreign languages must be taught as a matter of priority in the poorest districts of Europe? And that those with the lowest incomes cannot be excluded from this freedom?

(i) If care is not taken, this means that an entire region of the world is likely to start out on a new phase of development despising poverty and therefore perpetuating it;

(ii) This could be remedied by a partnership which would operate through all the groups of defenders of human rights, provided they pay attention to and allow themselves to be alerted by the most destitute.

(b) Where the implementation of economic, social and cultural rights is concerned, both in the area of laws and regulations and in the area of government, where the department responsible for applying the legislation enjoys some freedom of judgement and action the effort to secure the partnership of the poorest people could be along several lines. For example, the possibility might be envisaged of:

(i) Creating some patient body that would be genuinely representative of the poorest persons and populations;

(ii) Rallying poor and non-poor communities in support of persons and families threatened with exclusion from society;

(iii) Training personnel in situ at all levels, for dialogue with the poorest citizens.

(c) Partnership in monitoring the exercise of economic, social and cultural rights implies access to justice for the poorest, independent legal machinery trained for this partnership situation, and political representation of the poorest populations in the legislative bodies of their local, national or even international community.

198. The development of a partnership of the poor and the non-poor will be a very long-term process, to be constantly renewed and defended, but without it there can be no promotion of economic, social and cultural rights.

199. Bearing in mind the indivisibility of human rights and the need for partnership with the very poor, we can go on to the question of the obligations of States in the matter of economic, social and cultural rights. There can be no question here of considering the justiciable nature of economic, social and cultural rights overall. We shall merely mention the proposals for giving a "minimum content" to economic, social and cultural rights, and certain prospects for improving the monitoring of the implementation of these rights which, moreover, go beyond the framework of national institutions.

F. A minimum content for economic, social and cultural rights?

200. In several countries, particularly in Western Europe, the right has been established to a standard of living which will permit people to live in dignity and make efforts to become reintegrated into society. Minimum subsistence thresholds have been established in terms of financial resources.

201. At the present time, going beyond Europe, thought is being given to extending this idea. Would it not be appropriate to establish thresholds for subsistence minima in a number of spheres: entitlement to a free minimum consumption of energy, health care, housing ... and even a minim degree of participation in cultural life? For example: a free seat at the cinema every two months, as is already the practice in certain places?

202. Here we should like to comment on what has already been done. It is important to have clearly in mind the dangers which the idea of a minimum content may have when it leads to the exercise of minimum rights. However, we shall also mention the opportunities of access to human rights which Father Wresinski saw in a "guaranteed security of existence for the family".

1. The dangers: Existence reduced to a minimum

203. The danger of applying such minima is that of the persons concerned being limited to them only. Already, in countries where attempts have been made in this direction, the beneficiaries feel that they are second-class citizens. They feel, for example, that their differently-coloured medical insurance form entitles them only to health on the cheap; that the housing reserved for them under this minimum concept in no way puts an end to spatial social segregation, that the jobs offered to them are work without any prospects or, even worse, work which seems like a punishment for being poor. They feel that these "minima" are simply new forms of labelling. Furthermore, their benefits sometimes explicitly include restrictions on freedoms and responsibilities in family and social life.

204. As for minimum wage levels, the form of minimum entitlement most widely applied in Europe, they depend on the budgetary possibilities of the State and always tend rather to follow a logic of keeping to the minimum than of granting the means for future economic independence. As the beneficiaries put it, such wages enable one to survive but not to live. There is also the danger that people will remain tied to their particular status. In these circumstances it is difficult to establish a dynamic in which the rights lead on from one to the other and enable progress to be made.

205. In short, the danger of a "minimum content" certainly seems to be that it will rapidly result in a belittling of the aim of development of human dignity to which it should contribute. It should in a sense be the community's reply to the question asked by its poorest members: "In your eyes who are we? Are our hopes your hopes ... the ambitions which you have for your children and your young people, do we also dare to envisage them for ours?" There might then be an opportunity to enable the poorest to have access to all the human rights.

206. If a minimum content in the areas of economic, social and cultural rights were conceived as a group of fundamental rights simultaneously to be implemented whenever an individual, a family or a population group is threatened with poverty or social exclusion, so that they might be brought back into society with their heads held high, then such a minimum could be an instrument for promoting human rights. Instead of referring to the "minimum content" of human rights, one would rather speak of "spring-board" rights. "Spring-board rights", dynamic rights, driving forces of development, these can form the basis for combating poverty, starting with guaranteed security for the family.

2. A piece of good fortune: guaranteed security for the family

207. With the assistance of a group of families directly concerned and of the social and political authorities of a French town, Father Wresinski was able to try out what he felt should be a means of promoting a future of dignity and participation and guaranteed security for the family 7/.

208. On the basis of the experience of the families concerned, this expression "guaranteed security" is very similar to the wording of the preamble of the Universal Declaration of Human Rights which refers to "freedom from fear and want":

(a) Security: This is in fact freedom from fear, a fundamental assurance of having something to fall back on in all the areas essential to the exercise of human dignity. It is the peace of mind which enables one to look towards new horizons and possibly to move towards them; security of existence is a requirement for being able to take part in development while accepting its risks;

(b) Existence: This term is in contrast to survival. It is related to the right to life in dignity, the right to lead a human existence that promises development. Existence is a term which opens on to the future;

(c) Family: For the poorest, success in living as a family determines the success of individual and professional life projects. This is why security of existence must as a matter of priority provide protection for the family unit and the means for its success, so as to prevent the failure in life of its members;

(d) Guarantee: This security of family existence must be ensured by an adequate and regular income, derived preferably from work but guaranteed when work is lacking.

G. Monitoring the national and international implementation of economic, social and cultural rights

209. There would seem to be considerable scope for improving the monitoring of the implementation of economic, social and cultural rights so that the most destitute know that they really have such rights. The question of legal responsibility for economic, social and cultural rights is touched on here only from the standpoint of monitoring methods, which in our opinion should be developed.

210. We shall mention only two aspects: the question of recourse for the beneficiaries and that of means of monitoring the substance and the reality of the implementation of economic, social and cultural rights. In respect of these points we should like to contribute some thoughts and refer to certain suggestions that have been made.

3. A genuine recourse for the beneficiaries of economic, social and cultural rights

211. Only too often, particularly in industrialized countries whose citizens have substantial recognized economic, social and cultural rights, the poorest beneficiaries do not enjoy the civil rights that are needed for verification of the implementation of these rights. They have few means of recourse to the bodies which put economic, social and cultural rights into operation.

212. The difficulties of the right of recourse cannot be studied in detail here 8/. For the poorest citizens, both direct and indirect obstacles may be identified:

(a) Direct because of the limited legal means available to those who receive welfare;

(b) Indirect because of the circumstances in which they live, the poor education they have received and their state of dependence which does not allow them the status of rightful claimants vis-à-vis others.

213. The conditions for genuine recourse for those benefiting from economic, social and cultural rights need to be created.

4. Monitoring the substantive aspect: experiments, mobilization and evaluation

214. Might not the obligation under the international instruments concerning economic, social and cultural rights to make resources available permit, locally, in significant areas in specific countries, the definition and joint implementation, on an experimental basis, of selected economic, social and cultural rights? The experiments could then be the subject of evaluations in which governments, communities and beneficiaries would be associated. These experiments would have to involve the genuine collaboration of the poorest populations. The role of the international bodies might be to support the communities in their efforts genuinely to reach the poorest people and achieve

real participation, so that their association will not be a sham one, and the priority given to the poorest may become the key to success for the community as a whole. Such trial implementation of economic, social and cultural rights would also form a basis for implementation of the right to development.

215. Evaluation action such as is suggested above, possibly carried out under the auspices of an intergovernmental agency, could be supplemented by a partnership arrangement between a national parliament and the poorest beneficiaries of economic, social and cultural rights. The Government could be questioned regularly in that parliament concerning the consistency of the implementation of the country's legislation with the principles of promotion of human dignity and, more particularly, with the general principles of economic, social and cultural rights, and especially the right of the family to protection.

216. The launching of such an evaluation process and mutual attention to the conformity of the exercise of economic, social and cultural rights with human rights as a whole should result in the experience of the extremely poor helping the national and international community in defining and guaranteeing the economic, social and cultural rights which genuinely contribute to human dignity.

217. In concluding these comments on the implementation of economic, social and cultural rights, it seems useful to emphasize the extent to which respect for the most destitute as subjects of law forms the basis of all the proposals put forward. "If we were respected we would not be left in this situation", say those who live in extreme poverty, thus summing up all that is at stake in the implementation of economic, social and cultural rights.

Notes

1/ Global Consultation on the Right to Development as a Human Right, E/CN.4/1990/9.

2/ Resolution entitled "Human rights and extreme poverty" of 16 February 1989 (E/CN.4/1989/10). Resolution entitled "Human rights and extreme poverty" of 20 February 1990 (E/CN.4/1990/15).

3/ An in-depth study of the methods of obtaining information is contained in the report on extreme poverty and economic and social need, submitted on behalf of the French Economic and Social Council by Mr. Joseph Wresinski, Journal Officiel de la République française, Avis et rapports du Conseil économique et social, annexe 1987 - No. 6, 28 February 1987.

4/ Message carved in stone on the Parvis des Libertés et des Droits de l'Homme at the Trocadéro in Paris: "Là où des hommes sont condamnés à vivre dans la misère, les droits de l'homme sont violés. S'unir pour les faire respecter est un devoir sacré". (Mr. Joseph Wresinski, 17 October 1987).

5/ E/CN.4/1987/SR.29, paragraphs 62-72.

6/ Ibid.

7/ "Un an sans retourner chiner, expérimentation d'un revenu familial minimum garanti". Jean-Pierre Pinet and James Jaboureck, IRFRH - March 1987 (Evaluation carried out for the Conseil Général d'Ille et Vilaine, the town of Rennes and the Caisse d'Allocations Familiales d'Ille et Vilaine, with financial assistance from the Caisse d'Allocations Familiales).

8/ Some aspects of this may be found in:

- Grande pauvreté et précarité économique et sociale (Journal Officiel, 1987), report submitted on behalf of the French Economic and Social Council by Mr. Joseph Wresinski.

- Plancher de ressources: une évaluation avec les familles les plus défavorisées dans la Communauté européenne, contract of 23 December 1986, No. 86,617, between the Commission of the European Communities and the International Movement ATD Fourth World (June 1989).

- Pour une justice accessible à tous: le regard des familles en grande pauvreté sur les mécanismes d'aide légale et sur certaines initiatives locales, study carried out by the International Movement ATD Fourth World for the Council of Europe (contract No. 126/89 of 29 July 1989).

IV. PRELIMINARY RECOMMENDATIONS

218. This progress report should constitute the basis for further research on the questions relating to the realization of economic, social and cultural rights, as envisaged in the preliminary report (E/CN.4/Sub.2/1989/19). However, given the fact that certain questions require further study before they can be considered in the form of a progress report, it is suggested that a second progress report be prepared for consideration by the Sub-Commission at its forty-third session, in 1991. In that report particular attention should be paid to the questions of realization of economic, social and cultural rights in the context of structural adjustment, the question of the role of international financial institutions in the realization of these rights and the questions concerning co-ordination of activities of United Nations agencies and organs in the efforts relating to the realization of economic, social and cultural rights.

219. The Special Rapporteur should be encouraged to continue his efforts to establish direct contacts with the international financial institutions, notably the World Bank and IMF, and with the relevant departments at United Nations Headquarters in New York, including the Department of International Economic and Social Affairs. In this respect the Secretary-General should be invited to render to the Special Rapporteur all necessary assistance with a view to establishing these contacts.

220. Regarding further action in the areas dealt with in the present progress report, the following recommendations are made to the Sub-Commission:

(a) The Sub-Commission should invite the Commission on Human Rights, at its forty-seventh session, to consider requesting the Secretary-General to organize a seminar under the United Nations programme of human rights activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights. Such a seminar should provide the opportunity for a broad exchange of views among experts with the relevant expertise in the use of social and economic indicators in different fields and should contribute to the strengthening of co-ordination among United Nations organs and agencies in that regard.

(b) The Sub-Commission is invited to suggest to the Special Rapporteur the areas in which further standard-setting might be considered necessary. In addition to suggestions made in the preliminary report and in this progress report, the Sub-Commission might consider other possible areas so as to enable the Special Rapporteur to concentrate further analysis of standard-setting in those fields where standard-setting appears to be most desirable.

(c) With regard to the question of extreme poverty, the Sub-Commission should bear in mind the request made by the Commission on Human Rights, in its resolution 1990/15 of 23 February 1990, "... to examine the question of

extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question". In the opinion of the present Special Rapporteur, such a study should approach the question of extreme poverty in its global dimensions and take into account all the links between this problem and human rights (i.e. economic, social and cultural as well as civil and political rights), as reflected in the experiences of people living in situations of extreme poverty. The Sub-Commission might therefore consider the possibility of appointing one of its members as the special rapporteur to study this question.